

KITUO CHA KATIBA
FIVE-YEAR STRATEGIC PLAN
2011 - 2016

Kituo Cha Katiba
Eastern Africa Centre for Constitutional Development (KCK)
P.O. Box 3277, Kampala.
Plot 7 Estate Link Road Bukoto
Tel. 256-031-2-113321
E-mail: kituo@kituochakatiba.org

TABLE OF CONTENTS

PREFACE	IV
ACRONYMS AND ABBREVIATIONS	V
SECTION 1: INTRODUCTION	1
1.1 Background to Strategic Plan	1
1.2 KCK Background	1
1.3 Key Achievements to date.....	1
1.4 Purpose of KCK Strategic Plan 2011-2016.....	2
1.5 Methodology of Developing the Strategic Plan	2
SECTION 2: CONCEPTUAL DEFINITIONS	3
2.1 General Conceptual Definitions of Constitutionalism, good governance & Democratic Development	3
2.1.1 Constitutionalism	3
2.1.2 Good Governance	4
2.1.3 Democratic Development	4
SECTION 3: SITUATIONAL ANALYSIS	5
3.1 PESTEL Landscape	5
3.2 Political Landscape.....	5
3.2.1 The EAC	5
3.2.1.1 Opportunities..	5
3.2.1.2 Key Issues at the EAC	7
3.2.2 Developments in the Partner States.....	9
3.2.2.1 Opportunities.....	9
3.2.2.2 Key Issues	10
3.3 Economic Landscape.....	13
3.3.1 Opportunities	13
3.3.2 Key Issues.....	14
3.4 Socio-cultural Landscape	16
3.4.1 Opportunities.....	16
3.4.2 Key Issues	17
3.5 Technological Landscape.....	18
3.5.1 Opportunities.....	18

3.5.2	Key Issues.....	19
3.6	Environmental	19
3.6.1	Opportunities.....	19
3.6.2	Key Issues.....	20
3.7	Legal Framework.....	20
3.7.1	Opportunities	20
3.7.2	Key Issues.....	21
SECTION 4: KCK’s PERFORMANCE REVIEW.....		23
4.1	Introduction.....	23
4.2	Evaluation of KCK’s Performance.....	24
4.3	SWOT Analysis of KCK.....	28
SECTION 5: KCK’s STRATEGIC DIRECTION.....		30
5.1	Strategic Overview.....	30
5.2	Vision	31
5.3	Mission	31
5.4	Core Values	31
5.5	Geographical Scope & Domain	31
5.6	Time Frame of the Strategic Plan	31
5.7	Strategic Linkages	31
5.8	Strategic Goals and Objectives.....	33
5.8.1	Strategic Goals.....	33
SECTION 6: MANAGEMENT OF THE STRATEGIC PLAN.....		38
6.1	Introduction.....	38
6.2	Monitoring and Management of Strategic Plan.....	39
6.3	Monitoring, Evaluation and Control Action Framework.....	39
ANNEXES.....		40
	Annex 1: Logical Framework KCK Strategic Plan 2011-2015.....	40
	Annex 2: Potential Risk Areas in Implementing the Strategic Plan.....	48
	Annex 3: KCK Current Organisational Structure	50
	Annex 4: Proposed KCK Organisation Structure.....	51
	Annex 5: KCK Stakeholders Consulted.....	52

Preface

The 2011-2016 Kituo Cha Katiba: The Eastern Africa Centre for Constitutional Development (KCK) strategic plan builds on the organisation's previous efforts to attain its vision under the previous five year strategic plan of 2006 -2011.

The 2011-2016 strategic plan reaffirms KCK's mission as "To promote a culture of constitutionalism, where the constitution is a living document that reflects the aspirations and needs of women, men and the marginalised in democratic and participatory governance in East Africa." It elaborates KCK's core values of inclusive participation; respect for human rights and rule of law; equality and non discrimination; and accountability, transparency, integrity and consistency.

Extensive consultations were conducted during the preparation of this Plan. This was to ensure that the final product reflects the aspirations of different individuals and institutions across the region.

In response to the changing environment and to KCK's achievements and challenges, the strategic plan for 2011-2016 outlines 3 priority goals that will guide KCK in the next five years namely to:

- 1) Provide information in order to encourage East Africans to make constitutions and laws for constitutional development relevant to their experiences.
- 2) Advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values.
- 3) Strengthen the organisational development of KCK in order to implement its multidisciplinary programmes on constitutionalism, good governance and democratic development.

To achieve the above goals, strategic objectives have been developed for each of the above priority areas. In turn, specific activities and performance targets have been outlined for each strategic objective.

The organisation is devoted to the effective and efficient implementation of this plan in fulfilment of the aspirations of the many East Africans who contributed to the formulation of this strategic plan, and for the betterment of the region as a whole. KCK is deeply indebted to all those who were part of the process of evolving its new strategic direction.

Acronyms and Abbreviations

ACHPR	African Commission on Human and Peoples Rights
ACODE	Action for Development
ASP	Afro Shirazi Party
ANGOZA	Association of NGOs in Zanzibar
AU	African Union
BRICs	Brazil, Russia, India and China
CASSOA	Civil Aviation Safety and Security Oversight Agency
CBOs	Community Based Organisations
CET	Common External Tarrif
CHADEMA	Chama Cha Maendeleo na Demokrasia (Party for Democracy and Development)
CLARION	Centre for Law and Research International
CCM	Chama Cha Mapinduzi
CODESRIA	Council for the Development of Social Science Research in Africa
COMESA	Common Market for Eastern and Southern Africa
CPMR	Conflict Prevention, Management and Resolution Framework
CPS	Centre for Policy Studies
CSOs	Civil Society Organisations
CUF	Civic United Front
EABC	East African Business Council
EAC	East African Community
EAC-ARDP	East African Community Agriculture and Rural Development Policy
EACJ	East African Court of Justice
EACSOFF	East African Civil Society Organisations' Forum
EAFF	Eastern African Farmers Federation
EAHRC	East African Health Research Commission
EAJMA	East African Judges and Magistrates Association
EAKCO	East African Kiswahili Commission
EALA	East African Legislative Assembly
EALS	East Africa Law Society
EANNASO	Eastern African National Networks of AIDS Services Organisation
EASSI	East African Sub-regional Support Initiative
EASTECO	East African Science and Technology Commission
EATV	East African Television
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
EPAs	Economic Partnership Agreements
EU	European Union
FAM	Finance and Administration Manager
FBOs	Faith Based Organisations

FES	Friedrich Ebert Stiftung
FHRI	Foundation for Human Rights Initiative
FPE	Free Primary Education programme
FOWODE	Forum for Women in Development
FTA	Free Trade Area
GDP	Gross Domestic Product
HURINET	Human Rights Network
IDRC	International Development Research Centre
ICBT	Informal Cross-border Trade
ICJ	International Commission of Jurists
ICT	Information Communication Technology
IEC	Information, Education and Communication
IRDP	Institute of Research and Dialogue for Peace
IRRI	International Refugee Rights Initiative
IUCEA	Inter- University Council for East Africa
JATF	Anti-Terrorist Task Force
KCK	Kituo Cha Katiba
LVBC	Lave Victoria Basin Commission
LVFO	Lake Victoria Fisheries Organisation
MEACA	Ministry of East African Community Affairs
MIS	Management Information System
MP	Member of Parliament
MS-TCDC	MS Training Centre for Development Cooperation
NED	National Endowment for Democracy
NEPAD	New Partnership for Africa's Development
NGOs	Non- Governmental organisations
NHRIs	national Human Rights Institutions
NTBs	Non-Tariff Barriers
OSIEA	Open Society Initiative for East Africa
PARCEM	President of Words and Action for the Awakening of Conscience and the Evolution of Mindset
PESTEL	Political Economic Sociological Technological Environmental Legal
PSOs	Private Sector Organisations
SADC	Southern African Development Community
SID	Social Initiative for Development
SIDA	Swedish Development Agency
SMEs	Small and Medium Enterprises
SMS	Short Text Message Services
SWOT	Strengths Weaknesses Opportunities Threats
TAMWA	Tanzania Media Women's Association
TANGO	Tanzania Association of NGOs
TANU	Tanganyika African National Union
TMEA	TradeMark East Africa

TOR	Terms of Reference
UDB	Uganda Development Bank
UJCC	Uganda Joint Christian Council
UPE	Universal Primary Education
UWONET	Uganda Women's Network
ZLSC	Zanzibar Legal Services Centre

Section 1: Introduction

1.1 Background to Strategic Plan

The strategic plan for KCK serves to map the organisation's strategic direction for the term spanning the financial years 2011 - 2016. It is intended to enable KCK to continue carrying out its operations in line with its mandate and functions, in order to achieve its defined vision and mission.

The strategic plan provides a logical linkage among the strategic planning parameters as follows:

- i) Carrying out a situation analysis
- ii) Developing vision, mission and values
- iii) Developing goals and objectives
- iv) Developing a performance management system
- v) Developing a logical framework

This logical linkage has been the key guiding principle in the development of this strategic plan within the framework of the stakeholders' expectations and aspirations.

1.2 KCK Background

KCK was established in 1997 with the mission of promoting multi-disciplinary debate dialogue and action on constitution making and democratic governance in East Africa through research, information dissemination, advocacy and activism. KCK is a regional organisation that compliments individual and national initiatives through constructive engagement and collaboration. The organisation provides fora for civil society, activists, think tanks, politicians and academics to engage in self- reflection and critical debate over issues of concern in democratic development. The aim of KCK is to promote the active participation of civil society in good governance and to ingrain a culture of constitutionalism where constitutions become living documents that reflect the aspirations and needs of women and men of East Africa.

KCK works in the five East African Community (EAC) partner states of Burundi, Kenya, Rwanda, Tanzania Mainland and Uganda, albeit with special focus to Zanzibar¹. The organisation is governed by a regional Board of Directors composed of 11 members from the five countries including Zanzibar. KCK's secretariat is in Kampala, Uganda.

1.3 Purpose of the KCK Strategic Plan 2011 – 2016

The strategic plan aims to:

- i) Evaluate the accomplishments of KCK during the period of the past strategic plan of 2006-2011;
- ii) Guide the operations of KCK in the coming five years and ensure optimal utilisation of available resources as well as serve as a benchmark of KCK's strategic goals and objectives;

¹ By virtue of KCK's mandate of promoting constitutionalism, it accords Zanzibar special attention on account of having its own constitution, executive, legislature and judiciary.

- iii) Inform stakeholders what KCK intends to do during the next strategic period;
- iv) Constitute a tool to be used to mobilise and raise resources for KCK.

1.4 Key Achievements to date

In the immediate previous strategic plan period KCK registered a number of achievements which included the following;

- Published 18 credible research publications on constitutionalism, good governance and democratic development.
- Disseminated publications and information on constitutionalism to stakeholders in the region.
- Simplified and translated literature on constitutionalism and good governance such as the draft Bill of Rights for the EAC.
- Conducted fact-finding missions to Burundi, Kenya, Rwanda, Tanzania, and Uganda that have been critical in enhancing constitutionalism, good governance and democratic in the region.
- Produced and distributed annual reports to stakeholders in the region.
- Developed a communication plan.
- Embarked on developing a gender balanced consultants' database.
- Endeavoured to market its publications at seminars, workshops, bookshops, book fairs, universities (by offering gratis copies) and on the KCK website.
- Worked with a close network of non state and state actors including the EAC and African Commission on Human and Peoples Rights (ACHPR) in furtherance of constitutionalism, good governance and democratic development.
- Maintained a committed and hard working staff that has undergone capacity building in certain key development areas.
- Observed internal controls, transparency and accountability as highlighted in the financial audited reports.
- Overseen its assets including maintaining its own premises
- Maintained a multi-disciplinary and gender balanced regional board.

1.5 Methodology of Developing the Strategic Plan

This strategic plan was developed using a participatory approach. The following activities were undertaken:

- A series of meetings by the consultant with the Executive Director (ED) and senior management of KCK to gain an understanding of issues and desired direction.
- Review of relevant literature including but not limited to KCK Strategic Plan 2006- 2011; Evaluation Report of KCK 2008 -10; KCK annual reports; the Needs Assessment Report for the Education Centre, developmental partners' plans and plans and activity reports for civil society organisations (CSO).
- Key stakeholder consultations involving field visits and interviews;
- A meeting involving Board members and staff of KCK;
- Presentation to staff and KCK Board of the draft plan for discussion and input.

Section 2: Conceptual Definitions

2.1 Conceptual Definitions of Key Terms

2.1.1 Constitutionalism

The idea of constitutionalism involves the proposition that the exercise of governmental power shall be bounded by rules. These rules prescribe the procedure according to which legislative and executive acts are performed and delimit their permissible content. Constitutionalism becomes a living reality to the extent that these rules curb the arbitrariness of discretion and are observed by the wielders of political power, to the extent that within the forbidden zones upon which authority may not trespass there is significant room for the enjoyment of individual liberty.² Constitutionalism comprises many facets such as supremacy of the constitution, the rule-of-law and separation of powers.³ The rule-of-law signifies that no political authority is superior to the law itself. When and where the rule-of-law obtains, the rights of citizens are not dependent on the will of rulers; rather, they are established by law and protected by independent courts.⁴ Thus, constitutionalism is about obedience to the rule-of-law to prevent abuse of power, to protect human rights, support democratic procedures in elections and public policy-making, and to achieve the shared purpose of a community.⁵

Some scholars have defined constitutionalism as the “exercise of political authority according to the law; that state and civic institutions, executive and legislative powers have their source in a constitution which is to be obeyed and not departed from at the whim of the government of the day. In short, it is government of law and not of men.”⁶ Yet although a nexus between constitutions and constitutionalism exists; “one cannot talk about constitutionalism without the existence of a constitution although, on the contrary, the existence of a constitution does not necessarily imply constitutionalism. Most post-independence African states, if not all did not comply with the requirements of constitutionalism despite having adopted written constitutions. State elite used constitutions as political instruments to institute amendments intended to recentralise power (in situations where power was decentralised at independence), thus weakening the rule-of-law and undermining the doctrine of separation of powers.”⁷ African states also drafted constitutions that gave their executive branches unlimited powers and made them dominant over the other arms of government. Oftentimes, important provisions were violated or amended to accommodate transient elite needs. Subsequently, there have been constitutions without constitutionalism in Africa.⁸ Thus

² De Smith, Alexander Stanley., (1964), *The New Commonwealth and its Constitutions*, Stevens, London, p.106.

³ Garuka, Christian (2010) “The State of Constitutionalism: Good Governance, Democratic Development and Human Rights in Rwanda in 2010” In Annual State of Constitutionalism in East Africa (unpublished)

⁴ Sklar, L R, “On the Study on Constitutional Government in Africa,” in Okon, Akiba, (ed)., (2004), *Constitutionalism in Africa*, Ashagte, Aldershot, p.43.

⁵ Patrick, John J., (1997), “Teaching about Democratic Constitutionalism”. Available at: <http://www.ericdigests.org/1998-1/democratic.htm> (Accessed on 22 November 2010).

⁶ *Encyclopaedia Britannica* (Vol. 6) (1972), William Berton, Chicago, at p. 398.

⁷ Okoth-Ogendo, Hastings Winston, “Constitutions without Constitutionalism: Reflections on the African Paradox” in Shivji, G. Issa, (ed)., (1991), *State and Constitutionalism: An African Debate on Democracy*, Southern African Political Economy Series, Harare, p. 12.

⁸ Garuka, Christian. op cit

a “nicely worded or eloquently phrased document means nothing if the context in which it is supposed to operate is harsh and hostile – a context in which you may have a ‘Constitution’ without constitutionalism.”⁹

2.1.2 Good Governance

The World Bank report of 1989 defines good governance as “the exercise of political power to manage a nation’s affairs.” The United Nations Economic and Social Commission for Asia and Pacific outlined eight major characteristics of good governance. These include: participation, responsiveness, consensus orientation, equity and inclusiveness, effectiveness and efficiency, rule of law, transparency, and accountability. These characteristics ensure that corruption is minimised, the views of minorities are taken into account and the voices of the most vulnerable in society are heard in the process of decision making.

2.1.3 Democratic Development

A useful definition of democratic development lies in understanding what democracy is. Democracy is realised through the respect of values such as human rights, political participation and the rule of law. It is “fundamentally rooted in the proposition that political sovereignty originates with citizens. The authority of the state is anchored in the will of the people, and a just and legitimate government is only premised on their explicit consent. In modern democracies, this consent is mediated through representatives, chosen by means of regular, periodic free and fair elections, based on universal suffrage and a secret ballot. Enduring democratic systems are characterised by meaningful political participation and peaceful competition; protection of basic human rights; lawful governance; and strong democratic values.”¹⁰ Human rights are those rights a person has by virtue of being a human being. Simply put, democratic development is all about democracy. It is about recognition and protection of rights and freedoms, political and legal equality, rule of law, government institutions that ensure the accountability of political elites, and a vibrant civil society.¹¹

⁹ Oloka-Onyango, J. (ed)., (2001). *Constitutionalism in Africa Creating Opportunities, Facing Challenges*, (Kampala, Fountain Publishers) pp.2 - 3.

¹⁰ “USAID, (1991), Democracy and Governance” quoted in Olenasha, William (2010) “The State of Constitutionalism in 2010: Issues, Debates and perspectives for Tanzania Mainland” in Annual State of Constitutionalism in East Africa (unpublished)

¹¹ Diamond, Larry (2008) *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*.

Section 3: Situational Analysis

3.1 PESTEL Landscape

The PESTEL¹² framework was adopted in assessing KCK's new strategic approach. The analysis is aligned to the thematic areas of KCK of constitutionalism, good governance and democratic development, based on an assessment of developments at the EAC, the East African region and to some extent, the international environment.

3.2. Political Landscape

This section addresses the extent to which political factors affect and governments intervene in issues of constitutionalism, good governance and democratic development in East Africa. Factors such as government type and stability, political change and stability, corruption, freedom of the press are considered.

3.2.1 The EAC

3.2.1.1 Opportunities

The EAC is a regional economic community with a total population of 133.1 million¹³ as of 2011. The EAC is made up of the states of Burundi, Kenya, Rwanda, United Republic of Tanzania (Tanzania mainland and Zanzibar) and Uganda. In KCK's immediate past strategic planning period of 2006-2011, the EAC witnessed some positive developments. In 2007, the Community expanded from a membership of the initial three countries of Kenya, Tanzania and Uganda, to five, to include Burundi and Rwanda. In the meantime, an application by the newly formed state of South Sudan to join the EAC was received in November 2011 and is being considered. In line with Article 5 (2) of the EAC Treaty which requires EAC partner states to establish among themselves a customs union, a common market, a monetary union and subsequently a political federation, the region has experienced deeper integration since its commencement in 2000. A Customs Union Protocol was signed in March 2004 and commenced in January 2005; while a Common Market protocol was signed in November 2009 and commenced on July 1, 2010. Negotiations for the monetary union are underway. Furthermore, a study on the fears, concerns and challenges of the political federation has been undertaken; and stemming from this, a proposal for an action plan and draft model of the structure of the East African political federation for consideration by the Summit are being developed. It is hoped that once the initial recommendations are made, room will be opened for debate amongst East Africans on the type of federation they want.

Plans to establish a council of elders to advise and provide guidance to the EAC on the progression of regional integration have started. There are also efforts to develop common standards in areas of

¹² PESTEL stands for Political, Economic, Sociological, Technological, Environmental and Legal. It is an audit of the organisation's environmental influences with the purpose of using the information to guide strategic decision making. ... By understanding these environments, it is possible to take advantage to maximise the opportunities and minimise the threats to the organisation. See <http://cipd.co.uk/hr-resources/factsheets/pestle-analysis.aspx>

¹³ EAC Facts and Figures at <http://www.eac.int/>

good governance, constitutionalism and democratic development in the region. For example, a draft EAC Protocol on Good Governance; draft EAC Conflict Prevention, Management and Resolution (CPMR) Framework; EAC Protocol on Peace and Security and the EAC Human Rights Act have been put in place. Specialised institutions have also been established within the EAC to work in these areas. An example is the Nyerere Centre for Peace set up as a research facility to build capacity for regional peace and conflict resolution, and good governance. Further, there is more cooperation among the defence forces of the partner states in jointly tackling issues of security such as the war in Somalia, piracy in the Indian Ocean, the proliferation of small arms and light weapons; and trans-boundary crime.

The key organs of the EAC: the East African Court of Justice (EACJ), the East Africa Legislative Assembly (EALA) and the Secretariat have registered outstanding achievements. Both the EACJ and EALA have maintained a commendable level of independence. The EACJ boasts of experienced and qualified judges and has handed down several progressive decisions that have contributed immensely to the region's jurisprudence. The establishment of the EACJ also offers an opportunity of rights enforcement and thus an open space for the operations of private sector organisations (PSOs) and CSOs. On other hand, EALA has enacted over 40 pieces of legislation on various areas and has fulfilled effectively its oversight role. The Bills enacted by EALA relate to among other areas trade, human rights, the environment, powers and functions of the different EAC organs and institutions and elections. The Elections Act now waiting assent, seeks to ensure effective management of presidential and national assembly elections through an established East African electoral commission that will manage free, fair and credible elections and processes incidental to the conduct of elections.

In addition to the institutions established under the old EAC namely the Uganda Development Bank (UDB), the Inter- University Council for East Africa (IUCEA), the Lake Victoria Fisheries Organisation (LVFO), and the Civil Aviation Safety and Security Oversight Agency (CASSOA), new ones such as the Lake Victoria Fisheries Organisation (LVFO); the Lake Victoria Basin Commission (LVBC) have been added and are all operational, with a few more such as East African Kiswahili Commission (EAKC), the East African Science and Technology Commission (EASTECO), and the East African Health Research Commission (EAHRC) in the offing. To strengthen linkages between the EAC and partner states, ministries responsible for East African Community Affairs have been established to play a coordinating role at national level on matters relating to the EAC. They offer various entry points for cooperation with East Africans including non-state actors. The establishment of various EAC organs and institutions also offers an opportunity for stakeholder engagement and ensures an open space for the operations of PSOs and CSOs.

The integration also comes with a diversity of CSOs including think-tanks, policy advocacy-focused non-governmental organisations (NGOs), community-based organisations (CBOs) and non-traditional civil society, such as faith-based groups, grassroots organisations and private sector associations. A challenge here might be duplication of services. However, KCK can take the opportunity of partnering with some of these organisations where it is unable to reach.

Furthermore, efforts are underway to create an environment in which civil society can engage at the EAC. Article 127 of the EAC Treaty stipulates that the partner states agree to “create an enabling environment for the private sector and the civil society.” The EAC Treaty also allows for observer status which enables, institutions and organisations with such status to make input in EAC processes. To actualise Article 127, the 16th Council of Ministers directed the EAC secretariat to formulate an EAC/CSO mobilisation strategy; a social development strategy is being formulated and consultations to approve an EAC- civil society-private sector dialogue framework are in the advanced stages. This presents an opportunity for CSO-PS partnerships and engagement. A regional forum, the East African Civil Society Forum (EACSOF) aimed to further CSO engagement at EAC level has also been formed. The result of these initiatives has been increased civil society participation at EAC level. CSOs can work with the EAC in a number of functions including advocacy, oversight, networking, research in technical areas and coordination and representative functions. It also presents an interesting opportunity for the work of KCK, which also enjoys observer status with the EAC. A sense of East Africanness in the sector is growing. For example, KCK is registered in three of the EAC countries and has plans to register in Burundi and Rwanda. Such presence at partner state level offers key opportunities to work more effectively in these countries. Additionally, potential researchers from across the region have been found willing to work with KCK.

3.2.1.2 Key Issues at the EAC

As the EAC integration process deepens, feelings of apprehension have emerged that the process is moving too fast, without the benefits of previous stages being fully realised. It is argued that the region should not have moved to the stage of a common market without addressing outstanding issues relating to the customs union. Likewise, there is skepticism regarding the region advancing into a monetary union without putting in place the necessary measures and drawing lessons from the European Union (EU) which was faced recently with difficulties in achieving its economic integration agenda. Some of the reasons that discouraged fast tracking of the East African political federation were much along similar lines. Coupled with the above reservations is the limited awareness amongst East Africans about the EAC and the limited people participation in EAC processes,¹⁴ which are a threat to deeper integration. Fear, suspicion and misconceptions that exist amongst partner states have caused them to falter on deeper engagement. There is fear among some partner states that they will not compete favourably in the labour market, while others fear losing their land. Similarly, limited knowledge about the benefits of integration has cast in doubt the notion of an “East African citizenship.” There is also uncertainty as to whether partner states shall retain their sovereignty once the East African Political Federation is formed, since it calls for ceding of some powers.

Like civil society, the EAC is largely donor dependent and also relies on partner state contributions which are inadequate and are often remitted late. As such, the EAC’s organs and institutions are resource constrained, which affects effective service delivery. In addition to the above issues that are cross cutting, organs such as the EACJ and EALA which should be key drivers of the integration process and foci of people centredness, are faced with their unique challenges. For

¹⁴ See East African Legislative Assembly, Three Year Strategic Plan, 2010-2012, p.18

example, the EACJ is ad hoc, its judges serve at both national and regional level; suffers inadequate publicity, has limited jurisdiction which at the same time is being eroded, and has difficulty in enforcing its judgements and orders. The Court is also threatened by delayed legislation on community matters by national parliaments, and delayed decision making by the Council of Ministers and partner states.¹⁵ EALA on the other hand is confronted with a lack of liaison between it and national parliaments, and like the court, decries poor enforcement of community laws, resolutions and the treaty.¹⁶

Though constitutionalism requires adherence to the rule of law and separation of powers, there have been instances at both EAC and partner state levels of executive interference in the operation of the other organs. The processes at the EAC are still state dominated; with the Secretariat being more dominant than the other organs. In the first EACJ case of *Calist Andrew Mwatella & 2 Others v. EAC*, the EALA sought to rid itself of the continued interference in its work when Council withdrew EALA Bills. Court held that the decisions of Council except on policy issues do not bind the Assembly or the Court. The notion of separation of powers also presupposes that the judicial institution is given the opportunity to carry out its functions without interference from the executive and legislature, yet the independence of the judiciary which is the cornerstone of democracy¹⁷ has at times been undermined. An example was the surreptitious amendment of the EAC Treaty following the EACJ decision in the case of *Prof Peter Anyang' Nyong'o & others v. AG of Kenya & 5 others*. The amendment led to a restructuring of the EACJ that saw the introduction of two divisions of the court and new terms relating to the tenure of judges.

Furthermore, there are overlaps between the functions of some of the organs of the EAC. These not only affect efficiency, but have implications on the application of the doctrine of separation of powers. For example, it has been noted that the role of the Sectoral Council of Ministers Responsible for EAC Affairs and Planning overlaps with that of the full Council of Ministers.¹⁸ In addition, the EAC Secretariat has been blamed for continued direct communication with government institutions at national level instead of through the MEACAs. On the flip side of the coin, has been criticism of overlaps between the work of MEACAs and other ministries at national level. There has also been concern over the inadequate information flow between the Secretariat, the other EAC organs and institutions and partner states especially with regards to the status of implementation of the various Council directives and decisions. This scenario makes access to information about such directives and directions even more complicated for non-state actors. Given the overlaps in the role of the EAC Sectoral Councils, the Council of Ministers directed that their compositions and terms of reference be rationalised.¹⁹ The Council of Ministers had earlier in 2009 directed an institutional review of the EAC organs and institutions with a view to developing functional relationships within and between the organs and institutions of the Community that will facilitate effective synergies in implementing the EAC agenda. A report has been produced.²⁰

¹⁵ See East African Court of Justice Strategic Plan 2010-2015, June 2010, pp.17-18.

¹⁶ See East African Legislative Assembly, Three Year Strategic Plan, op cit.

¹⁷ 4 Benjamin Odoki (2005), *The Search for a National Consensus: The Making of the 1995 Uganda Constitution*, Fountain Publishers, Kampala, p. 323.

¹⁸ See Report of 24th Meeting of the EAC Council of Ministers (Ref: EAC/CM 24/2011), pp.22-23.

¹⁹ Ibid, pp.22-23

²⁰ Ibid, p.21-22

Being a largely economically driven Community, the EAC's focus is less placed on civil and political rights. A Council decision to postpone the extension of the jurisdiction of the EACJ until the political federation symbolises a great hostility to human rights. It seems there is a general fear of human rights issues amongst partner states which has reflected in the manner in which proposed human rights related instruments are rejected at EAC level. Furthermore, despite an existing legal framework that allows civil society and private sector engagement at EAC level, the space is insufficient. For example, obtaining and benefiting from EAC observer status is faced with several hurdles.

Also despite the fast pace of the regional integration certain national questions are in dire need of being addressed. The Zanzibar question remains a key political issue for the United Republic of Tanzania and its relation with the EAC integration process. In Uganda the federal question is an unresolved issue.

What is critical is for KCK to situate itself and capitalise on its niche to engage the EAC on issues of constitutionalism, good governance and democratic development.

3.2.2 Developments in the Partner States

3.2.2.1 Opportunities

The wave of democratisation of the 1990s resulted in the introduction of multi-partism in Africa including East Africa. Over all, mono-party governments became unpopular and increased awareness and a steadfast quest for human rights and political space emerged. Constitutional reform processes were also triggered. Notions of rule of law such as separation of powers increasingly became adhered to. As a result, courts in some countries have reasonably exercised judicial independence, and efforts through advocacy and activism are being undertaken by different actors to strengthen the independence of the judiciary. Increased democratisation accentuated by the information technology age, resulted in the liberalisation of the media with several print media, private radio stations and televisions sprouting in the region. A fairly favourable environment that allows ample CSO activity also ensues in the region, as evidenced by the growing number of NGOs and CBOs.

Amongst the EAC partner states there is recognition of the importance of creating a culture of constitutionalism, good governance and democratic development. The countries have constitutions with provisions for the protection of basic human rights, and they, with varying degrees practice multi-party democracy. Notably, Burundi in 2001 adopted a transition constitution and a post transition constitution approved by a referendum in February 2005 with a view to promoting constitutionalism and good governance. In 2010, a new constitution of the Republic of Kenya was inaugurated after a two decade struggle, while a comprehensive constitution review process begun in Tanzania in 2011. The East African countries have been conducting regular elections some of which have been acknowledged internationally as peaceful. The countries completed an electoral cycle with elections held in Kenya in 2007, Burundi, Rwanda and Tanzania in 2010; Uganda in 2011, with the next cycle commencing with Kenya in 2012 or 2013. In Zanzibar, a Government of

National Unity (GNU) was formed in November 2010 and the isles for the first time in many years witnessed peaceful elections.

3.2.2.2 Key Issues

However, in spite of these developments, fostering a culture of constitutionalism, democratic development and good governance remains a challenge in the region. East African nations have suffered a history of lack of respect for constitutional authority and an institutional culture. For example, Kenya's independence constitution was altered and amended 40 times before enacting its present constitution. Rwanda has come from a turbulent history where the 1962, 1978 and 1991 constitutions were violently overthrown and the 2003 constitution has hitherto been amended three times to increase presidential powers and immunity. Burundi like Rwanda has also experienced its fair share of political turmoil. It was only in 2000 with the signing of the Arusha Peace Agreement that Burundi experienced a semblance of peace albeit with some continuing rebel activity.²¹ In Tanzania, beneath the peaceful handover of power, lies the quagmire of a single dominant political party, the Chama Cha Mapinduzi (CCM), which has remained in power since 1977 following the merger of Afro Shirazi Party (ASP) and Tanganyika African National Union (TANU). Tensions in the Union between Mainland Tanzania and Zanzibar also continue to occupy centre stage in national and East African regional politics.²² Until her 2010 decision to overhaul her constitution, the United Republic of Tanzania had been the only country in the region that had not embarked on a comprehensive constitutional review process. Even then there has been dissatisfaction about inclusivity in the review process. In Uganda, the removal in 2005 of presidential term limits from the constitution at the urging of the executive has undermined the country's constitutional culture.

Efforts to strengthen judicial independence are confronted with challenges. Uganda saw the worst attack on judicial independence through the siege of the High Court on November 16, 2005, by a group of para-military men, and the March 1, 2006 attack in which security personnel sealed off the High Court. The course of justice in Uganda has also been undermined by number of extra judicial para-military organisations such as the Terrorism Urban Hit Squad (nicknamed Black Mamba), the Kiboko Squad and Joint Anti-Terrorist Task Force (JATF). In Burundi, Faustin Ndikumana, President of Words and Action for the Awakening of Conscience and the Evolution of Mindsets (PARCEM), was arrested and charged with making "false declarations" when she wrote to the Minister of Justice asking for an investigation and halt in the corruption relating to the recruitment of judges. Prior to that, the chair of the Burundi Bar Association had been detained for denouncing the lack of judicial independence.²³ In Rwanda the constitutional provision that "does not oblige parliament to uphold the Supreme Court's opinions, makes the highest court only a consultative organ,"²⁴ and is a threat to judicial independence. In Tanzania mainland, while separation of powers is well defined, the executive dominates. On one occasion suspects freed by courts after being found innocent were re-arrested, and the executive subsequently sponsored bills in parliament

²¹ Omara, Aliro and Ackson Tulia (eds.) (2010). *Civil Society and Good Governance in Burundi: Promoting Inclusiveness and People Participation in the EAC*. Fountain Publishers, Kampala

²² Edith Kibalama in Dan Ogalo ed. (2009) *Good Governance & Constitutionalism*, Fountain Publishers, Kampala

²³ Richard Wilson (February, 2012) *Amnesty Urgent Action – Burundi: Free activist who spoke out*. <http://richardwilsonauthor.wordpress.com>.

²⁴ Robert Turyahebwa in *Constitutionalism in East Africa* (2008), "The State of Constitutionalism in Rwanda," Kituo Cha Katiba: Kampala

that undermine judicial independence. In Kenya where previously appointments to the judiciary and control of the judiciary budget remained at the discretion of the executive,²⁵ since the promulgation of the new constitution judicial appointments have to go through rigorous vetting before appointments are made.

Most parliaments in the region have been reduced to mere rubber stamps at the hands of the executive. The majority are dominated by members of the ruling parties in government, whose word always carries the day. Members of Uganda's 8th parliament have been criticised for having been bribed by the executive in 2005 and used their majority vote to amend and remove the presidential term limits from the country's constitution. The executive in Uganda has recently resorted to using the caucus of the ruling party which also holds a majority in parliament, to overturn critical decisions of the seemingly strong current 9th parliament. In Tanzania, presidential appointments of MPs as regional commissioners (RCs) and vice versa have come under attack because RCs are deemed part of the executive.²⁶

The governance picture in the region is also quite gloom. According to the Mo Ibrahim African index of African governance of 2011, all the five EAC countries with the exception of Tanzania ranked in the bottom 19 out of 53 countries; Kenya was 23rd, Burundi 37th, Uganda 20th, Rwanda 25th and Tanzania 13th - depicting, an overall decline in participation and respect and protection of human rights for all the countries.²⁷ In addition, cross-border and internal civil conflicts remain a tragic reality and constant threat to peace and stability in the region. The challenge of shared resources is also a likely source of conflict among the EAC member states and continues to suffocate the good intentions of the EAC. In 2010, for instance, conflict arose between Uganda and Kenya over the Mijingo Islands on Lake Victoria which affected trade among the fishing communities in both states. Beyond conflict in the EAC countries however is the threat of terrorism. The Al Qaeda and Al Shabab terrorists have in the recent past launched attacks in the region leading to loss of life and property as well as physical injury. Sadly, the groups continue to threaten security in the region, which has prompted some EAC countries namely Uganda, Burundi and most recently Kenya to directly participate in the Somali war. The war against terror has high cost implications for the countries as well as the region. On the other hand, Somalia's intention to join the EAC carries grave implications for the EAC integration process in terms of the region's peace and security.

On the human rights scene, the East African region has been dogged by gross human rights violations in form of torture, illegal arrests and detentions, political persecution, suppression of the media, electoral violence and deaths etc. Although the Commonwealth team of election observers endorsed the 1980 elections in Uganda as 'free and fair,' a guerrilla war led by Yoweri Museveni ensued, and which, on completion and assumption of power by the National Resistance Movement (NRM), forced sections from the previous regime to start the northern Uganda war. The two-decade long war destabilised the country, rendered the people of northern Uganda internally displaced

²⁵ Collins Odhiambo in Khoti Kamanga (2008) *Constitutionalism in East Africa Kituo Cha Katiba: Kampala*

²⁶ See Shivji Issa, *Debating Constitutional Amendments in Tanzania*, accessed at www.hakielimu.org/hakieleimu/documents57debating-constitutional-amendments-tz.en.pdf

²⁷ <http://www.moibrahimfoundation.org/>

persons (IDPs) who lived in camps for the entire period, where they suffered immense human rights violations. Despite an apparent return to normalcy, the threat of election violence still hovers over Uganda. In Kenya, the announcement of the December 2007 election results, where President Kibaki was hastily declared winner by the Electoral Commission, led to eruption of violence in many parts of the country. More than 1,000 people were killed and an estimated 350,000 reportedly displaced.²⁸ The report of the Waki Commission of Inquiry into Post-Election Violence recorded 1,333 deaths, 405 caused by gunshots, for which police was held responsible. There is trepidation of a recurrence of the 2007-8 violence as the next Kenya elections approach. Burundi's fragile democratic process is equally constantly threatened, with former rebels waging attacks after the 2010 victory of the ruling government of President Pierre Nkurunziza. In Tanzania, rivalry between mainland Tanzania and Zanzibar Islands has over the years marred peaceful general elections. Prior to the formation of the GNU in Zanzibar, the isles had experienced electoral violence in 1995, 2000, 2005. Although there was unprecedented calm in the isles during the 2010 Tanzania elections, violence occurred in mainland Tanzania, as a result of demonstrations by the leading opposition party, Chama cha Maendeleo na Demokrasia (Party for Democracy and Development)(CHADEMA)). In Rwanda, during the run up to the June 9, 2010 presidential elections, several opposition leaders were arrested and vocal journalists silenced amid a political clampdown led by incumbent government. The country's main opposition figures were barred from running for office and the main opposition parties the Forces Democratiques Unifiées (FDU-INKINGI), the Green Party and the Socialist Party disallowed to participate in the elections on grounds of either harbouring terrorist links or denying the 1994 genocide. On July 14, 2010 the body of André Kagwa Rwisereka, vice-president of Rwanda's Green Party was found in a marshland in the south of the country. A few weeks earlier, the editor-in-chief of opposition newspaper *Umuwuguzi* was shot dead, shortly after his publication linked Rwandan authorities to the attempted murder of one of the incumbent president's former military companions who sided with the opposition.²⁹

According to the Human Rights Watch 2010 report, asylum seekers in Kenya are regularly subjected to physical violence, including rape and police extortion and cases of extra judicial killings have been common. The report by the UN Special Rapporteur on extra-judicial, summary or arbitrary executions Philip Alston confirmed the high prevalence of extra-judicial killings in Kenya. Two lawyers who helped Mr. Alston compile the report were shot dead on the Nairobi streets in broad day light days after the launch of the report.³⁰ In Burundi, 2010 was characterised by many extra judicial killings. The rights of minorities have also come under threat within the region such as in Tanzania and Burundi where albinos have been targeted and killed for profit.³¹

Limitations on freedom of expression and media freedom are a common trend across the region. In Rwanda there have been episodes where journalists critical of government have been either

²⁸ Ted Dagne (2011), Kenya: Current Conditions and the Challenges Ahead; CRS Report for Congress

²⁹ France 24 (27/07/2010), Pre-election violence creates climate of fear in Kigali. International News 24/7. <http://observers.france24.com/content/20100727-pre-election-violence-creates-climate-fear-kigali-rwanda-kagame-fpr>. As it appeared on 7 Feb 2012

³⁰ "Human Rights Watch Condemns Abuse of Somali Refugees in Kenya", June 17, 2010

³¹ 2009 Amnesty International Report; Burundi

imprisoned or exiled and media house not favourable towards government such as *Umuco* and *Umuseso* newspapers closed down. Uganda through the Public Order and Management Bill 2009 that sought to regulate public gatherings and demonstrations, suffered a setback with an attempt by government to reinstate the provisions of the Police Act Cap 303 earlier nullified by the constitutional Court nullified in the case of *Muwanga Kivumbi v. Attorney General of Uganda*.³² Freedom of association and assembly also continue to suffer setbacks. In Uganda in 2009, the Kabaka of Buganda was prohibited from visiting Kayunga district, an act that sparked off riots causing the state to respond with force and subsequent arrests and detentions of hundreds of rioters for undetermined periods.³³ The famous walk-to work campaigns that met with stiff government resistance is another example.

Civil society across the region is donor dependent with most of the resources to support them coming from foreign countries. The increase in the number of CSOs, coupled with the strive for the limited donor funding has bred duplication of services, as well as intra-competition and rivalry within the sector, which have undermined potential synergies and ultimately jeopardised the sector's growth. CSO's increased activism has also led to governments often dismissing them as serving foreign interests. Because of their inherent weaknesses such as limited skills and capacities, the efficiency and effectiveness of civil society have also come under government attack.

3.3 Economic Landscape

3.3.1 Opportunities

As noted earlier, the EAC region is at the stage of a common market and negotiations for a monetary union are underway. A single economic bloc is imperative to strengthen the national economies of member states to cope with globalisation and take advantage of opportunities such as increased market access, trade levels and sustainable development. The EAC integration process is also expected to yield multiple dividends by creating avenues for reducing poverty levels, increased employment through new markets and upgrading production processes. Increased economic power in the region is also envisioned because of the big market and labour large skilled and semi-skilled force of approximately 130 million people in the EAC. The EAC region is also expected to provide a large Gross Domestic Product (GDP), the region's combined GDP having been put at around \$75 billion up from 20 billion in 1999 and intra-regional trade to have grown to over \$4b up from \$2b in 2005. Other opportunities are the liberalisation of the banking sector across the region and the heightened government efforts to avail credit facilities to ordinary citizens. The enactment of an EAC Trade Negotiation Act has also enabled the region to negotiate as a bloc as is the case with the Economic Partnership Agreements (EPAs). The EAC is part of the EAC-COMESA-SADC tripartite ultimately expected to merge into a single grand free trade area. As part of its development strategy, the EAC plans to continue promoting trade and investment activities to traditional European and American markets as well as to the emerging markets such as the Brazil, Russia, India and China (BRICS). Of late East African countries have been entering bilateral agreements with these countries especially China and India. To facilitate the free movement of

³² Constitutional Petition N0.9/05.

³³ The Uganda Amnesty International Report (2010)

persons in the region, the East African passport was issued in Kenya, Tanzania and Uganda and has been in use.

The East African region is resource rich with both tapped and untapped natural resources. It has oil, gas, ferrous minerals, gold, copper, cobalt, gemstones, diamond, uranium, nickel, kaolin, titanium, and platinum, tungsten, and several other industrial minerals, as well as forestry and fishery resources. Tanzania is believed to have one of the largest mineral reserves in the world and the third largest gold reserves in Africa. Uganda's oil reserves alone are believed to be adequate for the EAC and the Great Lakes region for the next 30 years.³⁴ Kenya has also recently discovered oil with high prospects of its existence in Zanzibar. The discovery of oil, gas and minerals by EAC partner states and the expected revenues to be accrued will presumably meet budget shortfalls and present a major opportunity for countries in the region to transform into middle income nations.

Agriculture still remains the backbone of most economies of countries in the EAC and a well developed agriculture sector presents a great opportunity for sustainable poverty reduction. The East African Community Agriculture and Rural Development Policy (EAC-ARDP) was developed as an initial step towards the implementation of the provisions of the EAC Treaty. Opportunities for large-scale commercial farming of both food and cash crop exist in the region. The freshwater water lakes in the region are also a potential source of irrigation water. There also exists opportunities in the production of agricultural production, processing and packaging equipment.³⁵

3.3.2 Key Issues

The financial meltdown of economies of the Global North affected their disbursement to growing economies such as those in East Africa that are foreign donor dependent. CSOs like their governments fall in this category and have in turn been affected to the extent that most are unable to meet their budgetary expectations. With the exception of Rwanda, economic growth in the region has slowed down to less than 5% GDP growth. On the other hand, competition in the global economy has forced East Africa's traditional markets specifically the EU to try and introduce trade regimes such as the EPAs to bind the region, but which some believe may not produce sizeable benefits for the region.

While there is progression in the EAC integration, there remain hurdles in actualising the benefits deriving from the concluded stages of the process. Though signed, the EAC Common Market Protocol is yet to be actualised, yet hardly had the ink dried with the signing of this protocol than efforts to have a monetary union kick started. Numerous non-tariff barriers such as customs documentation requirements, cumbersome formalities, road blocks, un-standardised weighbridges etc have continuously been cited as a challenge to trade in the region. Poor infrastructure and uneven levels of economic development among EAC countries have also been cited as impediments to regional trade. The five EAC partner states are at different levels of development which has affected faster integration and uniform development across the region. For instance, the EPA negotiations have experienced several setbacks partly because of a lack of consensus amongst

³⁴ "Oil Should Bring Unity," Sunday Vision, February 7, 2010, p.19

³⁵ http://www.eac.int/agriculture/index.php?option=com_content&view=article&id=75&Itemid=107

the EAC partner states, with Kenya seen as at a more advantageous position than the rest of the partner states. Some traders have complained that other EAC partner states have become a dumping ground for cheaper Kenyan goods, negatively affecting growth in these countries. Except for new entrants Burundi and Rwanda, though it has been in use, the East African passport has not been accessible to East Africa because of its unaffordability by ordinary citizens, but also because for countries such as Uganda, the passport is no longer in issue since the machine that makes it broke down years ago.

The EAC partner states continue to maintain membership in different regional economic communities (RECs). Membership of all countries to the EAC, of all except Tanzania to COMESA, of Kenya to the Free Trade Area under COMESA, and of Tanzania to SADC, have complicated compliance with the Common External Tariff (CET) under the EAC Customs Union. These overlapping memberships have the potential of threatening full regional integration because the obligations to the different trade agreements conflict. There may however be a potential to remedy these through the EAC-COMESA-SADC tripartite aimed at coordination and harmonisation of the regional programmes and a Free Trade Area (FTA).

Another challenge is corruption. With the exception of Rwanda which has generally done well, the rest of the EAC partner states have suffered high political patronage and lack the political will to fight the vice. Although EAC partner states have adopted and ratified a range of anti-corruption conventions, protocols at international, regional instruments and have at EAC level the EAC Protocol on Preventing and Combating Corruption in place; as well as put various institutional measures in place to curb it including the establishment of the East African Association of Anti-Corruption Authorities, the vice has become institutionalised and is considered an acceptable part of everyday life. Uganda has for example adopted numerous laws and established various institutions to fight corruption, but has over the last five years regressed in its efforts to achieve greater transparency. In Tanzania, the Dowans and Richmond corruption scandals have recently dominated the anti-corruption debate in the country. International donors as well as local reform activists have criticised the Tanzania government for its reluctance to take the necessary steps to fight corruption.³⁶ The most recent Transparency International Corruption Index (2011) ranked some of the East African countries as some of the most highly corrupt countries in the world. Apart from Rwanda which was ranked the 4th least corrupt country in sub-Saharan Africa, the other EAC countries trailed far behind with Tanzania at 14th, Uganda at 30th, Kenya at 35th and Burundi at 45th. These dismal figures are an indicator of the extent of public sector corruption in the EAC partner states. In most of the region despite the pronouncement of a 'zero tolerance' policy, senior officials involved in corruption are yet to be successfully prosecuted. Lack of transparency and poor governance also affect the extractive industry in the region. There is a high risk of misuse of resources as has been the case in many resource driven economies. In Tanzania and Uganda, contracts between government and mining and oil companies respectively have been shrouded in secrecy. Uganda's current 9th parliament has recently engaged in a fierce attempt to unravel these contracts and to streamline processes in the oil sector.

³⁶ BTI (2010), Tanzania Country Report. <http://www.bertelsmann-transformation-index.de/64.0.html> as at 9 Feb 2012.

Furthermore, in both Uganda and Tanzania, there have been valid complaints of foreign investors being favoured over local investors. Foreign investors with the help of governments easily acquire large chunks of land at the expense of locals who have often been displaced from their land. There is need for KCK to spearhead the strengthening of governance issues in the area as the increased resources are bound to lead to misuse. It is also critical that KCK is at the centre of debates in ensuring access to social services in the region.

3.4. Socio-Cultural Landscape

3.4.1 Opportunities

The EAC countries share a common history, culture and to some extent language. All over East Africa, there are interrelated cultures, language similarities etc. Kenya, Uganda and Tanzania share a common colonial legacy as does Rwanda and Burundi on the other hand. ‘On a cultural level, regional integration solidifies the unity of communities with personal ties and common history, language and culture.’³⁷

Kiswahili is widely used in Kenya and Tanzania and parts of Rwanda, Burundi and Uganda. The language has been designated lingua franca of the EAC and fosters an opportunity for better communication and social integration. To close the language gap, Rwanda has made an attempt at inclusivity by making English one of its official languages, while Burundi has introduced a policy of learning English as a second language in its schools. Still as part of fostering East Africanness, regional media such as the East African Newspaper, the East African Television (EATV) and East African Radio have been established. The Nation Media Group is also trying to set up television stations in the different EAC partner states. The opening of borders with the coming into force of the common market is also expected to allow growth of an East African culture and identity, which is vital in facilitating the integration process.

The EAC Treaty obliges partner states to promote close cooperation amongst themselves in the area of culture and sports (Article 119); and with respect to poverty alleviation, eradication of adult illiteracy and the development of a common approach towards marginalised and disadvantaged groups such as children, the youth, elderly and persons with disability (Article 120). The significant role women play in socio-economic transformation is also recognised. To this end, partner states are obliged to create a gender positive legal regime, create awareness aimed to change negative attitudes towards women as well as develop other measures to eliminate prejudices against women (Article 121). As a step towards actualising these provisions, the EAC is currently working on a social development framework which focuses on health and social services, education, culture and sports, science and technology; gender, youth, children, social protection, and community development and environment and natural resources. The framework is developed from the backdrop that independent social policy prescriptions have not been sufficient to achieve cohesive, socially just and prosperous societies in almost all the partner states.³⁸ At national level,

³⁷ President Mwai Kibaki of Kenya quoted in Kasaija Phillip Apuuli, “Fast Tracking East African Federation: Asking the Difficult Questions.” Paper prepared and presented at a Development Network of Indigenous Voluntary Associations (DENIVA) Public Dialogue on Fast Tracking East African Federation Dialogue (24th November 2006)

³⁸ http://www.eac.int/gender/index.php?option=com_docman&task=doc_view&gid=97&tmpl=component&format=raw&Itemid=90

EAC countries have made attempts to address issues of marginalised and disadvantaged groups constitutionally and by setting up government institutions including ministries and statutory bodies to give effect to the various policies and laws. Some countries have also taken measures to address the shortcomings in the different social service sectors such as health, social protection and education. For example, except for Burundi, all countries in the region have embraced universal primary education and have made strides towards free primary education.

3.4.2 Key Issues

Although Kiswahili is the lingua franca of the EAC, the lack of a truly East African language lingers. For historical reasons, the reception of Kiswahili remains poor mainly in Uganda and parts of Burundi. Where English the official language of the EAC, would take precedence as a language of communication, it falls short of states like Burundi where French is the official language. Burundi's 2011 request to have French as one of the official languages of the EAC was declined. The absence of a common East African language affects cohesion and dissemination of information. Invariably, it also has cost implications by way of interpretation and translation costs. The above is compounded by the lack of a truly East African media. For example, the East African Newspaper which holds the widest coverage in the region does not cover Burundi on account of language, while the EATV and East African Radio have limited geographical coverage across the region.

In contrast with the on-going integration efforts, ethnic questions remain a major challenge across the region with the exception of Tanzania. Traced to colonialism, the region is highly ethnicised with this reality mirrored largely in politics. In Uganda, ethnicity is believed to have escalated during the Museveni regime. In Kenya, political parties are aligned to ethnic groups and remain a key variable in the country's voting patterns. The 2007 post election violence was reportedly perpetrated along ethnic leanings. There are fears that even for Rwanda and Burundi which have provided institutional frameworks to address ethnic tensions, these remain subtle but with the potential of radically re-emerging, if not properly handled. Coupled with this, the region has diverse religious affiliations which accentuated by historical differences present a challenge for a holistic system. The land tenure systems in the region differ and there are threats of large-scale foreign acquisition of land for investment. Worse still, apart from the economic value attached to land especially in its use as collateral for credit access, land remains largely a socio-cultural set up and a form of identity for the average citizen in the EAC. Tanzanians fear being stripped of their land by Kenyans and Ugandans, believed to have more financial muscle. In Burundi and Rwanda where there is extreme pressure on land due to population explosion and recently worsened by a huge influx of returnees after years of refuge outside their countries, the issue of land is more serious. The situation in Burundi has been described as a "land time bomb."³⁹ It is also indisputable that land has been at the heart of conflict in the region.

³⁹ Mariam Bibi Jooma, *In Transit? , The socio-economic transformation of Burundi*, Institute for Security Studies, in African Security Review Vol.14 No.2, 2005 accessed at www.iss.co.za/pubs/asr/14no2/AWJoon.htm. See also John W. Bruce, Returnee Land Access: Lessons from Rwanda, accessed at www.odi.org/resources/docs/476.pdf

Although some progress has been made towards improving social services, the region has experienced a breakdown in the sector. According to the UN Human Development Index 2011 report, all the five EAC countries fell to a dismal low human development category. Kenya ranked 143, Tanzania 152, Uganda 161, Rwanda 166 and Burundi 185 out of 187 countries and territories.⁴⁰ The partner states are characterised by inadequate health and education facilities and poor social protection frameworks. The legal, policy and institutional frameworks across the partner states are also not uniform. Rwanda for instance is far ahead in terms of health insurance, while Tanzania has also made headways in social protection framework. In countries like Uganda, the Free Primary Education programme (FPE) has been very poorly rated due to reasons as poor scholastic support and large student to teacher ratios. Following the civil war, Burundi is still struggling to achieve Universal Primary Education (UPE).

As the countries of the Global North continue to fund major activities in the region, there is also a growing clash of values. The issue of sexual minorities is one such issue. As a result of a liberal tradition in the North, there is not only remarkable tolerance towards sexual minorities but moves to link aid to the South to human rights protection inclusive of sexual minorities. On the contrary, many East African leaders and citizens have expressed concern about the infiltration of their long established cultures and traditions with Western practices.

Although some progress has been made, the region still experiences marginalisation of women and girls, persons with disability (including ‘albinos’), ethnic minorities etc. This presents the challenge of fostering the constitutional and legal guarantees of equality and equity.

KCK might have to play a role in exploring not only how the integration of diverse East African cultures can affect human rights in the region but also how improvements in the social sector such as universal quality education, social protection and security etc contribute to an atmosphere ripe for constitutionalism and good governance.

3.5 Technological Landscape

3.5.1 Opportunities

The East African region has experienced growth in the use of Information and Communication Technology (ICT) through the internet and mobile telephony. In Rwanda - which is standing out as an ICT hub in East Africa, government has focused on streamlining the business registration process, while Kenya’s ICT Board has offered grants to Small Medium Enterprises (SMEs) to develop innovative content. The Kenyan ICT Board is committed to driving the ICT contribution to GDP from 3% to more than 10% over the next three years. Schools and banks have taken advantage of the short text message service (SMS) payment schemes such as the mobile money transactions which have spread all over East Africa. The SMS have also been used to link East Africa with global money transmission services such as the Western Union. ICT has the potential to increase citizens’ democratic participation and therefore enhance constitutionalism. It can improve governance by making management and leadership fast, efficient, more open and transparent. It

⁴⁰ <http://hdrstats.undp.org/en/indicators/103106.html> The report provides an assessment of: a long and healthy life; access to knowledge; and a decent standard of living.

also presents enormous opportunities in increasing access to communication and services in the region and beyond. On account of the value attached to ICTs, the EAC partner states have within the ambit of Article 89 of the Treaty adopted a Protocol on Regional Information Communication Technology Networks. The Protocol aims to among others promote ICT services in the Common Market; the harmonisation of ICT policies, laws and regulations; and the establishment and management of ICT networks. ICT has been used for to enhance economic development. It is also important to recognise that the majority of those who communicate digitally are the youth and hence use of these new media offers new avenues for KCK to reach out to the youth.

KCK as a research based organisation can increase communication through the digital medium such as social media and even SMS services which are also becoming considerably cheaper.

3.5.2 Key Issues

The progress in ICT notwithstanding, there is still low coverage and high cost of ICTs in the region which means that the gains have not been fully exploited. East Africa has one of the lowest computer and internet usage rates globally, with less than a third of the population having access. Partly as a result of high infrastructure costs, the region is faced with equity gaps with the majority of the beneficiaries based in the urban centres. In the face of low usage of available technology, its disparity in use, KCK might not be in position to completely rely on the use of this technology.

3.6 Environmental

3.6.1 Opportunities

The East African region is part of the equatorial belt and is blessed with vast natural resources in flora and fauna. The region is home to Lake Victoria the world's largest freshwater lake also a shared resource by the EAC countries of Kenya, Tanzania and Uganda. The region has high tourism potential that is to date under-exploited. The EAC Treaty realises the importance of a clean and healthy environment to sustainable development in the region. It also obliges partner states to promote efficient management and sustainable utilisation of natural resources in the region, and to take measures to ensure protection of these resources.⁴¹ Specifically, Article 112 (e) obliges partner states to integrate environmental management and conservation measures in all developmental activities including mining and tourism, trade, agriculture, industrial development and transport. The EAC has attempted to promote the tourism sector by marketing EAC as a single destination, and is working towards developing an East African Tourism and Wildlife coordination agency to market the region as a tourist spot as well as towards a legal framework for cooperation and promotion of tourism amongst partner states. The EAC has also signed a Protocol on Environment and Natural Resource Management which aims at attaining sustainable development through effective and efficient management of natural resources and the environment. On its part, EALA has passed the EAC Polythene Materials Control Act to ensure the preservation of a clean and healthy environment by prohibiting the manufacturing, sale, import and use of polythene materials. The Bill is awaiting assent. The EACJ has also presided over environmental related cases such as the *Africa Network For Animal Welfare (ANAW) v. the Attorney General of the United Republic of*

⁴¹ See Chapter 19 of the Treaty for the East African Community.

Tanzania Reference No. 9 of 2010. This in itself is a promising avenue through which partner states can be made accountable to East Africans and compelled to act in accordance with the Treaty to protect and properly manage the environment and its resources. It is also an opening for a number of environmental cases to be brought before the court.

3.6.2 Key Issues

The East African region is challenged with environmental degradation. This is largely due to poor implementation/enforcement of legal and policy frameworks regulating environment protection. For example, despite the relevance of the EAC Protocol on Environment and Natural Resource Management some partner states are yet to ratify it. Lake Victoria is endangered by high levels of pollution resulting from lack of enforcement of discharge standards with all three countries of Kenya, Uganda and Tanzania being culpable. On occasion, governments in the region have elevated business/investment interests over and above environmental concerns. For example, the success of the EAC Polythene Materials Control Act passed by EALA is in balance following fierce opposition of it by the private sector who has decried the loss of income that would accrue should it be implemented in its current form. The Mau forest in Kenya and the Mabira forest in Uganda sagas both demonstrate how governments disregarded their trans-boundary ecological value at the expense of development. In Uganda an estimated 15% of the forest cover is believed to have been lost in the last decade due to illegal logging and forest encroachment. In the urban centres vast wet lands have disappeared as a result of encroachment. The nascent fishing industry in the region has also suffered due to uncontrolled fishing activities. The capacity for management and regulation of private sector activity in the exploitation of forestry resources is still inadequate in the region. The region is also experiencing low tapping or utilisation of environment-friendly renewable resources like solar power from the abundant sunlight. Thus countries and citizens of the EAC have the duty to ensure that environmental principles are the norm in transacting business and in conducting other activities in the region.

3.7 Legal Framework

3.7.1 Opportunities

The basic legal framework for the EAC integration is the EAC Treaty. This is complemented by protocols and EALA Acts. The legal framework is buttressed by an extensive institutional framework namely EALA, the EACJ, the Secretariat, the Council of Ministers, coordination committees and sectoral committees etc. In addition to this are the various EAC institutions and the ministries for EAC affairs. Non-treaty fora such as EACSOF; regional professional bodies like the East Africa Law Society (EALS), the East African Judges and Magistrates Association (EAJMA); regional organisations like the Society for International Development (SID) and the Eastern Africa National Networks of AIDS Service Organisations (EANNASO); and other institutions such as the East African Business Council (EABC) etc can also contribute to building a robust legal and policy environment in the EAC from a specialised platform.

The EALA is the legislative arm of the EAC. It has so far enacted over 40 pieces of legislation on various subjects. To further the rule of the law in the region is the EACJ, which through its

jurisdiction over the interpretation and application of the EAC Treaty, has made several progressive decisions.⁴² Since its first case in December 2005, the court had by mid- November 2011 received 53 cases.⁴³ Both the EACJ and EALA have strategic plans to ensure the proper realisation of their mandates and towards achieving deeper integration. The EALA seeks to forge stronger linkages with national assemblies; work with the other EAC organs and with other stakeholders. It has endeavoured to reach out to East Africans and aims to develop more innovative marketing strategies to create awareness about the Assembly and its roles. EALA continues to work vehemently towards elevating the principles of human rights and good governance. In many instances, it has taken initiative to bring to the fore protocols which have previously been stalled in the EAC processes such as the EAC Human Rights Bill and the EAC HIV and AIDS Bill (both of which have been passed and only waiting assent by the Summit). These create opportunities for working with various stakeholders in the region for the harmonisation of legal frameworks and establishment of appropriate legislation etc. The EACJ on the other hand, has identified as its key stakeholders, the public, private sector and civil society as well as natural and legal persons with regards to litigation and elevating the courts publicity. The EACJ's openness in highlighting its achievements and challenges is also progressive.

3.7.2 Key Issues

While EALA is defined as the legislative organ of the Community (Article 49), the Treaty gives the Summit powers to make law (Article 11(6)). This overlap in a way undermines EALA's legislative function. Furthermore, there has been concern over delays by the Summit to assent to certain laws especially those that do not favour them, and in some instances no reasons as per Article 63(2) are advanced by the Summit to enable EALA to reconsider the legislation. In addition, Article 8(4) of the Treaty provides that the regional laws enacted by EALA have the full force of law and take precedence over similar laws in the partner states on matters related to the Community. However, there are complaints over slow implementation of EAC legislation at national level and in some instances outright rejection. The process of harmonisation of national laws to conform to EAC legislation has also been painstakingly slow. It has also been noted that the region lacks harmonised constitutional and legal regimes; there is need for uniform policies and laws among the partner states of the EAC to ensure a smooth transitioning into the various stages of integration. While Uganda, Tanzania and Kenya are essentially common law countries, Rwanda and Burundi follow a Roman law regime which has different legal traditions. There are challenges in the harmonisation of these legal regimes with regard to judicial processes in general and realisation of programmes such as cross-border legal practice. Besides, it is evident that partner states sometimes enact legislation which is out of sync with the principles, objectives and spirit of the Treaty. All this has implications on legal processes and the course of justice.

Although the EACJ has already distinguished itself with a high level of judicial independence and has passed several precedent-setting judgments in the area of good governance and human rights,

⁴² EACJ cases include *Callist Andrew Mwatella & 2 others v. EAC. Reference No. 1 of 2005*; *Christopher Mtikila v. The Attorney General of the United Republic of Tanzania and the Secretary General of the East African Community. Reference No. 2 of 2007*; and *Prof Peter Anyang' Nyong'o & others v. AG of Kenya & 5 Others, Reference No. 1 of 2006*

⁴³ See Report of 24th Meeting of the EAC Council of Ministers, op cit, p.9.

its effectiveness has been undermined by limited jurisdiction (including human rights), and human and financial resource constraints. Although the Treaty makes provision for the Court's jurisdiction to be extended, the Zero Draft Protocol to Operationalise the Extended Jurisdiction of the East African Court of Justice (Zero Protocol) has never been concluded, and has been suspended until the establishment of the EAC Political Federation. The existing limited jurisdiction of the Court has been further eroded by EAC policy makers who have created parallel dispute resolution mechanisms within the Community such as judicial and quasi-judicial bodies like the national courts in the case of the Common Market Protocol and the East African Trade Remedies Committee established under the Customs Union Protocol.⁴⁴ The Partner States have also failed to utilise the Court's arbitration jurisdiction and instead continue to use other international arbitrators. The Court also remains ad hoc because its judges also serve as judges in national courts. The above is compounded by the court's lack of visibility and appreciation in the region mainly on account of the wide spread ignorance about its role, jurisdiction and procedures.⁴⁵ While the court's physical inaccessibility on account of being based in Arusha has been partially addressed by the establishment at national level of sub-registries, there is limited awareness about this development. The court's lack of visibility denies East Africans the right to access its services and the likelihood of retarding the integration process. All the above factors affect the capacity of the Court to deliver on its mandate. Stakeholders such as KCK can therefore take steps in bringing visibility to the court and working with East Africans to advocate for an extended jurisdiction of the Court.

Although the EAC Treaty has been amended once and there are pending discussions by the Council of Ministers for further amendments, some EALA members⁴⁶ have proposed total overhaul of the EAC Treaty because it was drafted in an era of fear and suspicion and does not reflect current aspirations of citizens' regional integration. There is a call for example to amend Article 50 of the EAC Treaty for members of EALA to be elected by the electorate instead of national parliaments, in order to increase people's participation in the regional law making body and entrench good governance. These issues fall in the orbit of KCK work.

⁴⁴ East African Community Development Strategy, op cit, pp.48-49.

⁴⁵ See Hon. Mr. Justice Harold R. Nsekela, "The Role of the East African Court of Justice in the Integration Process," A paper presented during the 3rd East African Community Media Summit, Imperial Royale Hotel, Kampala, Uganda, 21st -22nd August 2009- EAC's Ten Years of Progress: The Media as Partners in Promoting Deeper Integration, p.12.

⁴⁶ Hon. Lydia Wanyoto Mutende, EALA Member from Uganda

Section 4: KCK's Performance Review

4.1 Introduction

In order for KCK to define its focus and priorities for the next five years, the developed strategic plan analyzed experiences in the past five years against the strategic objectives KCK set out to achieve under its past strategic plan. A SWOT analysis was also undertaken specifically to inform the development of strategies to sustain KCK's strengths, learn from its best practices, and to devise approaches to address its weaknesses and threats.

4.2 Evaluation of KCK Performance

Goal	Strategic Objective	Achievements in 2006-11	Challenges
<p>1. Research Documentation and Dissemination</p> <p>To provide information in order to activate East Africans to make constitutions and laws for constitutional development relevant to their life experiences.</p>	<ol style="list-style-type: none"> 1) To undertake research in order to foster public debate and dialogue. 2) To disseminate information on constitutionalism through workshops, seminars and ICT related avenues. 3) To develop the KCK Resource Centre so as to have books, journals and catalogues and host visitors 	<ul style="list-style-type: none"> • KCK published 18 credible research publications on constitutionalism, good governance and democratic development. • KCK conducted fact-finding missions. • KCK disseminated publications and information on constitutionalism to stakeholders in the region. • KCK simplified and translated literature on constitutionalism and good governance. For example, the draft Bill of Rights for the EAC 	<ul style="list-style-type: none"> • Poor information flow and coordination within the departments of the EAC, which manifested during the process of KCK's work for instance on the draft Bill of Rights for the EAC. • Poor commitment and delays by some KCK consultants in adhering to deadlines. • Delays by the publisher to produce publications in time accentuated by the existence of a few good publishers in the region which affected overall project implementation. • Allocated programme funds were affected by inflation that accrued as a result of the global credit crunch. As such some programme activities could not be implemented. • KCK faced some shortcomings when partnering with government institutions in executing advocacy work especially in areas deemed antagonistic to the state such as human rights and good governance. • The absence of a common East African language and a truly East African media posed challenges

<p>2. Networking, Advocacy and Activism To network and advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values</p>	<ol style="list-style-type: none"> 1) To initiate foras to engage in dialogue, self- reflection and critical debate over constitutionalism, good governance and democratic development. 2) To provide regional support for constitutionalism, good governance and democratic development. 3) To popularise constitutional values through translation and publication of information, education and communication (IEC) materials and disseminate the information widely. 4) To develop and engage a network of interested partners in issues of constitutionalism and governance. 	<ul style="list-style-type: none"> • KCK has worked with a close network of non-state and state actors including the EAC and ACHPR involved in furthering constitutionalism, good governance and democratic development. • KCK has participated in fact-finding missions in Burundi, Kenya, Rwanda, Tanzania, and Uganda that have been critical in enhancing constitutionalism, good governance and democratic development in the region 	<p>to information flow in the region. KCK found difficulties at times in accessing information from Burundi which is wholly francophone.</p> <ul style="list-style-type: none"> • Language also undermined the quality of some research papers especially the Annual State of Constitutionalism reports, and presentations at workshops with budgetary implications in terms of translation and interpretation services. • Some publications were and remain on high public demand but KCK has no additional funds to reprint them. • Distribution costs were at times quite high especially for books which were bulky and at times taxes were levied on these books as KCK tried to distribute them across the region.
<p>3. Institutional Strengthening and public relations To strengthen the organisational developments of KCK in order to enable it implement its multi-disciplinary programmes on constitutionalism, good governance and democratic</p>	<ol style="list-style-type: none"> 1) To hire, develop and retain competent staff. 2) Develop and strengthen KCK's sustainability. 3) Ensure KCK has adequate facilities to fulfil and execute its mandate. 4) To continually strengthen 	<ul style="list-style-type: none"> • KCK has its own premises with a committed and hard working staff who have undergone capacity building exercise in certain key development areas. • KCK has observed internal controls, transparency and accountability as highlighted by the Audit report 	<ul style="list-style-type: none"> • Due to limited funding KCK was unable to provide attractive remuneration to attract staff from other EAC member states to work at the Secretariat • Inadequate staff in the area of programming due to financial constraints which has meant a heavy workload.

<p>development.</p>	<p>KCK's accountability and transparency systems</p> <p>5) To ensure that KCK has adequate resources, equipment tools to execute its mission</p> <p>6) To market KCK programmes to East Africans</p> <p>7) To develop a system for sustainability</p>	<ul style="list-style-type: none"> • KCK produced and distributed annual reports to stakeholders in the region. • KCK has maintained a regional board that is multi-disciplinary, and gender balanced. • KCK developed a communication plan. • KCK embarked on developing a gender balanced consultants' database. • KCK has endeavoured to invest in and match to the changing IT needs and has updated its equipment • KCK has endeavoured to market KCK publications at seminars, workshops, bookshops, book fairs, universities (by offering gratis copies) and on the KCK website • Increased visibility of KCK as a regional organisation at EAC level, East African region and continental level mainly through the ACHPR meetings. • A better understanding by KCK of EAC processes relating to 	
---------------------	---	--	--

		<p>adoption of EAC laws and on the inner workings of the EAC Secretariat – both positive and negative such as the power dynamics, information flow etc.</p> <ul style="list-style-type: none">• Enhanced networking between KCK and relevant EAC organs and institutions and technocrats; CSOs, governments and private sector actors in the region through the various programmes.	
--	--	---	--

4.3 SWOT Analysis of KCK

Strengths	Weaknesses
<ul style="list-style-type: none"> • KCK is a premier regional NGO that has gained experience and developed a niche in the area of constitutionalism and good governance at regional level for research, advocacy and publications. • KCK has a diverse data base of individuals and institutions engaged in issues of constitutionalism, good governance and democratic development. • KCK's regional nature gives it a vantage point as a neutral actor in sensitive issues in the region. • Being a civil society actor and regional organisation gives KCK an edge over formal state driven processes such as the proposed EAC Elders Council. • KCK has got programmatic focus across East African region. • KCK has a well organised and lean management structure. • KCK has committed staff with good teamwork which earns the organisation a good reputation in the region. • KCK has a diverse, multi- disciplinary regional board. • KCK enjoys donors trust and confidence. • KCK has a well – stocked Resource Centre that is user friendly, and is supported by fairly adequate equipment and IT infrastructure that is attractive to different categories of people e.g students, scholars to conduct research. • Good relationship with the EAC. 	<ul style="list-style-type: none"> • KCK suffers from low level of activism which has led to a very weak advocacy component of its work; KCK is very thin on the ground. • KCK suffers from low visibility with much of its work not publicised as should be the case. Many KCK programmes never reach the ground level. • Low partnerships with critical organisations at national level which are at the fore front of advocacy. Information sharing is still low and KCK documentation is not shared with some of the stakeholders/ partners. • As a regional body, KCK has not shared best practices • The low staffing at KCK while a mark of efficiency can pose a challenge especially as demand grows • KCK has got a weak donor base thus its resource envelope is not sufficient to address the organisations concerns given that the EAC integration has widened and deepened. • Delay in publication of reports. • Difficulty as a regional organisation to attract staff from other EAC member states in its region to work at the Secretariat in Kampala, which is the only KCK office in the region. • KCK is legally registered in Kenya, Uganda and Tanzania except Burundi and Rwanda. • The present structure does not suit KCK's development and the new strategic plan will necessitate KCK's having to develop an appropriate structure • KCK's publications are in the English language which leaves out some of the target groups. The fact that the East African region is now both

	<p>Anglophone and Francophone means that KCK has to engage in bilingual publications. The region lacks a common language and as such communication will impede KCK's efforts.</p> <ul style="list-style-type: none"> • Poor reading culture means that books are at times not read.
Opportunities	Threats
<ul style="list-style-type: none"> • Deepening EAC integration • Existence of a wide and young population in East Africa for KCK to involve them in its work. • KCK has close collaboration with the EAC. • KCK has observer status at the EAC and ACHPR Increased recognition of the rights of vulnerable and marginalised groups. • New positive constitutional and democratic developments such as the constitutional review process in Tanzania, the new constitution of Kenya and GNU in Zanzibar, and the models of governance they offer. • The remarkable growth and development of Information Technology (IT). • EAC's progress towards institutionalising non state actors' participation in the EAC e.g. the CSO mobilisation strategy and the EAC/PSO/CSO dialogue framework. • EACJ's openness in highlighting achievements and challenges of the Court • There are other upcoming NGOs and CSOs with more or less the same focus as KCK. Related to the above is increased CSO activity at EAC level, the establishment of the East African Civil Society Forum (EACSOF); efforts to institutionalise CSO participation in the EAC through EACSOF; and establishment of specialised institutions within the EAC working in areas which hitherto constituted KCK's mandate necessitate concretisation by KCK of her niche. 	<ul style="list-style-type: none"> • Increased suppression of media and free expression by governments in the region may curtail civil society operations. • Continued interference by the executive with the independence of the judiciary and legislature. • KCK works in a politically volatile environment and conflict prone region – the Great Lakes region, now also a ground for Alshaabab attacks. • KCK does not have adequate funds to implement its programmes and has a narrow donor base. • Changing donor priorities. • There is limited CSO participation in EAC processes. • Ethno regional nationalism is undermining the cause of East African integration. • Limited knowledge about East Africa in the region. • Lack of harmonised laws within the region • Lack of a truly East African media and language ie. Burundi and Rwanda are Francophone, in Kenya and Tanzania Kiswahili is commonly used, while Uganda has limited use of Kiswahili.

Section 5: KCK Strategic Direction

5.1 Strategic Overview

The strategic direction has been informed by the PESTEL analysis, SWOT analysis, KCK performance review, and interviews with various stakeholders.

A number of issues emerged from the interviews. These included the need for KCK to:

- maintain and market its niche in the areas of constitutionalism, good governance and democratic development;
- focus on the rights of marginalised groups as part of its programme implementation;
- generate research to target both academic and non-academic stakeholders;
- take advantage of the growth of digital communication for the purpose of documentation and information dissemination;
- expand its networks and collaborations across the region;
- invest in developing and maintaining its human resource capacity;
- work to ensure a secretariat which reflects a regional outlook i.e. staff from other parts of the region;
- maintain a regional and gender balanced board;
- widen its donor base.

KCK's thematic areas of focus will remain on constitutionalism, good governance and democratic development; areas she has developed a niche in. For the next five years the strategic plan will prioritise three major goals:

- i) Research, Dissemination and Documentation,
- ii) Advocacy and Networking,
- iii) Institutional Strengthening.

This strategic plan has been drawn up in detail (with work plans indicating activities, tasks, work methods, targets, performance indicators etc.) to facilitate the implementation of the activities programmed for the period.

To carry out the functions outlined above, KCK has defined its vision for inspiration; mission to guide it to realise its strategic goals; and, strategic objectives to identify areas where change is anticipated in the pursuit of its goals.

5.2 Vision

“Constitutionalism that promotes good governance and democratic development in Eastern Africa.”

5.3 Mission

“To promote a culture of constitutionalism, where the constitution is a living document that reflects the aspirations and needs of women, men and the marginalised in democratic and participatory governance in Eastern Africa.”

5.4 Core Values

Values mould professional and personal behaviour as well as the growth and development of leaders and members of an organisation. KCK shall strive for a working environment that fosters individual behaviour, in order to foster an environment of collaboration, innovation and creativity.

KCK values are:

- Inclusive participation.
- Respect for human rights and the rule of law.
- Equality and non-discrimination.
- Accountability, transparency, integrity and consistency.

5.5 Geographical Scope and Domain

KCK core business will continue to be operationalised across the East African region, with its board drawn from the six East African countries including Zanzibar. KCK secretariat is headquartered in Kampala, Uganda. However, its partnerships and networking within its programmatic areas may extend continentally and internationally.

5.6 Time Frame of the Strategic Plan

The strategic plan will run for a five year financial period from July 2011 to June 2016.

5.7 Strategic Linkages

In order to further strengthen and consolidate democratic development in Eastern Africa, KCK will continue to strategically work with other actors to harness synergy and enhance complementarity of efforts. These linkages include national, regional and international think tanks, activists, academics, policy makers, CSOs, NGOs, networks, alliances, regional and continental institutions and government structures, and development agencies.

KCK will work closely with international partners such as the Ford Foundation, National Endowment for Democracy (NED), Friedrich Ebert Stiftung (FES), Swedish Development Agency (SIDA), Open Society Initiative for East Africa (OSEIA), the Austrian Development Agency and TradeMark East Africa (TMEA), with whom it has had prior engagements. KCK will also attempt to expand its donor base by reaching out to organisations such as the International Development Research Centre (IDRC) and other similar institutions.

At the continental level, KCK will attempt new as well as continue collaborative partnerships with several organisations and institutions such as the Centre for Policy Studies (CPS) based in South Africa, the Council for the Development of Social Science Research in Africa (CODESRIA) based in Dakar, Senegal; the ACHPR in Gambia, the New Partnership for Africa's Development (NEPAD), the African Union (AU) and the Economic Commission for Africa (ECA), Economic Community of West African States (ECOWAS), Common Market for East and Southern Africa (COMESA) and Southern Africa Development Community (SADC).

KCK will work with the EAC organs and institutions including the Nyerere Centre for Peace. It will work with government institutions including parliaments, the judiciary, relevant ministries such as the ministries responsible for EAC affairs, justice and constitutional affairs and trade.

It also envisions working with regional and national media, NGOs and Faith Based Organisations (FBOs) including umbrella, network organisations and platforms. These will include the Uganda Joint Christian Council (UJCC), the Catholic Justice and Peace Commission, East African Civil Society Forum (EACSOFF), East African Sub-regional Support Initiative (EASSI), Social Initiative for Development (SID), International Refugee Rights Initiative (IRRI), Africa Rights, the Institute of Research and Dialogue for Peace (IRDPA), Pro-Femmes 'Twese Hamwe' (Pro-Women All Together), Rwanda Civil Society Platform, Foundation for Civil Society, Foundation for Human Rights Initiative (FHRI), the National NGO Forum, Forum for Women in Development (FOWODE), Action for Development (ACODE), Uganda Women's Network (UWONET), FIDA-Uganda, FIDA-Kenya International Commission of Jurists (ICJ) Center for Law and Research International (CLARION), Tanzania Association of NGOs (TANGO), Tanzania Media Women's Association (TAMWA), Association of NGOs in Zanzibar (ANGOZA) and the Zanzibar Legal Services Centre (ZLSC) amongst others.

KCK will also work with constitutional bodies such as the National Human Rights Institutions (NHRIs), ombudsmen, equal opportunity commissions, unity and reconciliation commissions such as the Rwanda National Unity and Reconciliation, constitutional review and implementation commissions and so on.

KCK will work with the academia including from Makerere University, the National University of Rwanda, University of Nairobi, University of Dar-es-Salaam, University of Burundi and other institutions of higher learning. Training institutions such as MS-TCDC-Tanzania, International Law Institute amongst others; professional bodies such as law societies including the East African Law Society (EALS) and respective bar associations at national level; judges and

magistrates associations such as the East African Judges and Magistrates Association (EAJMA), Journalists Associations, associations of trade unions etc

It will also work with publishing houses and book distributors across the region such as Fountain Publishers Ltd, SUBA Book Sellers & Distributors, ClariPress Ltd, E&D Publishers etc.; the private sector and its apex bodies such as the East African Business Council (EABC) and other traders associations such as the Chambers of Commerce, small scale traders associations and so on.

Gender, as a cross cutting issue, will be mainstreamed in all the programmes and gender diversity and equality will be factored in programme implementation.

5.8 Strategic Goals and Objectives

5.8.1 Strategic Goals⁴⁷

Three strategic goals have been defined to constitute the framework for the organisational strategy for KCK:

1. To provide information in order to activate East Africans to make constitutions and laws for constitutional development relevant to their experiences.
2. To advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values.
3. To strengthen KCK's organisational development, in order to enable it implement its multi-disciplinary programmes on constitutionalism, good governance and democratic development.

⁴⁷ Goals and aims are used interchangeably.

GOAL 1: To provide information in order to activate East Africans to make constitutions and laws for constitutional development relevant to their experiences.

Planned Outputs:

- Number of action research on constitutionalism, good governance and democratic development in the EAC.
- Number of published research and fact briefs on constitutionalism, good governance and democratic development in the EAC.
- Number of simplified and translated publications on constitutionalism, good governance and democratic development.
- Number of disseminated publications on constitutionalism, good governance and democracy in the EAC.
- Number of seminars, workshops and conferences to debate issues of constitutionalism, good governance and democratic development.
- A well established modern KCK Education Centre.

Strategic Objectives⁴⁸

Objective 1: To undertake action research in order to foster public debate and dialogue.

Activities to realise this objective will include:

- i) Identify topical and relevant research topics.
- ii) Undertake research in critical contemporary areas of constitutionalism, good governance and democratic development in the region including use of e-technology.
- iii) Document research findings into scholarly and popular publications.
- iv) Simplify and translate documents e.g. excerpts and abridged versions on constitutionalism, good governance and democratic development.

Objective 2: To undertake audits of the progress made and constraints faced in constitutional development in the region

Activities:

- i) Carry out regular audits on progress of constitutionalism, good governance and democratic development in the East African region.
- ii) Document and disseminate the annual state of constitutionalism to different stakeholders in the region

Objective 3: To disseminate information on constitutionalism, good governance and democratic development.

⁴⁸ Our definition of “objectives” is that they should derive from goals and should be specific, measurable, and achievable and time bound (SMART).

Activities:

- i) Organise seminars, workshops and conferences to debate contemporary issues of constitutionalism, good governance and democratic development.
- ii) Disseminate information on constitutionalism, democracy and good governance through IEC materials, and ICT such as social networking media, as well as other traditional media for propagating knowledge and securing participation on the subjects.
- iii) Distribute KCK publications to different stakeholders in the region and beyond

Objective 4: To Strengthen the KCK Resource Centre**Activities:**

- i) Collect and catalogue publications on issues of constitutionalism, good governance and democratic development.
- ii) Develop KCK's Management Information System (MIS) to access and disseminate digital information on constitutionalism, good governance and democratic development.
- iii) Update KCK Consultants' Database.
- iv) Expand the number of outlets that carry KCK publications in the region including in Burundi and Rwanda.
- v) Operationalise the KCK Communication Plan.
- vi) Develop catalogues of KCK publications.
- vii) Display KCK publications posters at tertiary institutions, resource centres, civil society organisations and other relevant places.

Objective 5: To set up the KCK Education Centre**Activities:**

- i) Develop and offer short term courses in the area of constitutionalism, good governance and democracy to different stakeholders in the region.
- ii) Market the Centre through press and other attractive mediums.
- iii) Digitise all KCK researches, scholarly papers and publications compiled over the years.
- iv) Create a database of all KCK Education Centre alumni and facilitators.
- v) Link up likeminded institutions with the Education Centre to share experiences and draw best practices.
- vi) Initiate accreditation of the KCK Education Centre with the National Council of Higher Education (NCHE).

GOAL 2: To advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values.

Planned Outputs:

- Number of seminars, workshops and conferences organised on knowledge sharing on constitutionalism, good governance and democratic development in the region.
- Number of meetings between non-state and state actors on constitutionalism, good governance and democratic development in the region.

Objective 1: To initiate fora to engage in dialogue and critical debate over constitutionalism, good governance and democratic development.

Activities:

- i) Organise and facilitate engagement and with different stakeholders for knowledge sharing, experiences and best practice on constitutionalism, good governance and democratic development in the region, through such means as seminars, workshops, conferences etc.

Objective 2: To provide regional support for constitutionalism, good governance and democratic development

Activities:

- i) Engage with the EAC and other RECs in Africa on issues of constitutionalism, good governance and democratic development in the region.
- ii) Engage with the ACHPR on issues of constitutionalism, good governance and democratic development in the region.

Objective 3: To develop and engage a network of interested partners on issues of constitutionalism and governance

Activities:

- i) Develop and participate in regional networks in promoting constitutionalism, good governance and democratic development in the region.
- ii) Establish and strengthen linkages with critical actors at national, regional, continental and international levels on issues of constitutionalism, good governance and democratic development.

GOAL 3: To strengthen KCK's organisational development in order to enable it implement its multi-disciplinary programmes on constitutionalism, good governance and democratic development.

Planned Outputs:

- Number of capacity building trainings for staff development.
- A gender balanced staff and Board.
- Relevant KCK strategies and policies e.g. fundraising strategy.
- A modern well facilitated KCK Secretariat.
- KCK registered in Burundi and Rwanda.

Objective 1: To hire, develop and retain competent staff

Activities:

- i) Recruit relevant staff.
- ii) Invest in staff development through capacity building.
- iii) Develop a gender and regional diverse workforce.
- iv) Develop a motivated workforce.

Objective 2: Develop and strengthen KCK's sustainability

Activities:

- i) Develop KCK staff capacity to fundraise through equipping of staff with resource mobilisation skills, enhancing KCK image regionally.
- ii) Maintain a gender balanced and multi-disciplinary regional Board.
- iii) Ensure new Board members are inducted into KCK work and culture.
- iv) Develop Board capacity to ensure effective governance in areas such as fundraising and networking.
- v) Develop a sound financial management system for KCK.

Objective 3: Ensure KCK has adequate facilities to fulfil and execute its Mandate

Activities:

- i) Update and maintain KCK inventory – physical infrastructure.
- ii) Ensure adequate resources and infrastructure to deliver on its mission.
- iii) Upgrade continuously the KCK Management Information system.

Section 6: Management of the Strategic Plan

6.1 Introduction

Management of the implementation of the strategic plan will require clear allocation of responsibilities in order to implement the planned activities, with reporting lines running hierarchically (bottom-up) through the organisation.

The objectives of the management and implementation arrangement would include;

- Definition of the various mandates underlying the strategic plan implementation and the parties responsible for the implementation of those mandates;
- Outlining key strategic activities, their expected outputs and how their implementation will be measured and reported on;
- Determination of necessary resource requirements (facilities, equipment, goods and services) for implementation; and,
- Ascertainment of the relevant systems, policy and procedures to ensure that the implementation process is properly guided.

The strategic plan shall be implemented by the KCK Secretariat and Board of Directors.

Board of Directors

KCK is currently governed by an eleven member Board of Directors, two from each of the five countries of the EAC and one from Zanzibar. The Board is headed by a chairperson. The key features of the Board are that it is regionally balanced, and has a good balance of skills and relevant experience to steer KCK to greater heights. The role of KCK Board of Directors is to provide effective policy formulation and guidance, strategic decision-making as well as supervision of the plan implementation.

Secretariat

The secretariat is in charge of the technical aspects of implementing the plan. The secretariat is headed by the executive director and has three senior members namely, the programme officer, accountant, and information officer. The key authorities and responsibilities of the four members of the management team are indicated below:

The Executive Director (ED)

The ED reports to the Board of Directors. She/he has overall responsibility for the successful implementation of all KCK's operating programme activities and for the achievement of its objectives as defined and set out in the strategic plan. She/he ensures effective coordination of KCK's activities through the management team. The ED is responsible for working with the Board and staff to ensure that appropriate liaison is maintained with outside stakeholders. Finally, she/he has authority over finances to run the daily affairs of the organisation to amounts agreed to by the Board.

Programme Officer (PO)

The PO is charged with the responsibility of developing and implementing KCK's core business by ensuring that the overall vision, mission and strategic objectives of the organisation are achieved. This entails developing programmes of work in these areas such as research, documentation, advocacy, networking, as well as institutional strengthening to foster multi-disciplinary programmes on constitutionalism, good governance and democratic development.

Accountant

The accountant is responsible for operating all financial aspects of KCK and maintains accounts and manages operation of facilities owned and used by KCK; including support staff namely the office attendant. The accountant is responsible for providing all relevant financial management information and financial reporting. The accountant is also charged with ensuring competitive procurement and disposal of assets procedures within KCK.

Information Officer

The Information Officer is responsible for information management and dissemination in KCK. She/he has been directly responsible for the running of the KCK Resource Centre.

6.2 Monitoring and Management of Strategic Plan

In order to ensure the effective implementation of its strategic plan, KCK shall monitor and evaluate the plan through:

- Regular Board and management meetings
- Annual retreats of Board and staff members
- Annual audits
- Annual reports

6.3 Monitoring, Evaluation and Control Action Framework

KCK will put in place a monitoring, evaluation and control action framework to ensure the successful implementation of its strategy. The strategy will be used to achieve the following;

- To track the implementation of scheduled activities;
- To ascertain whether resources earmarked for the implementation of the scheduled activities are available, suffice and are delivering what they were planned to deliver;
- To assess whether the envisaged outcomes are being realised from the implementation process;
- To establish whether there are any unanticipated challenges that might have cropped up and seek ways of resolving them in the most effective and efficient manner;
- To evaluate whether envisaged outputs/outcomes were actually realised; and,
- To ascertain whether the institutional capacity in terms of logistics, human resources and financial resources are adequate to enable KCK realise its vision and goals.

Annex 1: Logical Framework for the KCK Strategic Plan 2011 - 2016

GOAL 1: To provide information in order to activate East Africans to make constitutions and laws for constitutional development relevant to their experiences.

Expected Outputs:

- Number of action research on constitutionalism, good governance and democratic development in the EAC
- Number of published research, books and fact briefs on constitutionalism, good governance and democratic development in the EAC
- Number of simplified and translate publications on constitutionalism, good governance and democratic development disseminated in the EAC
- Number of disseminated publications on constitutionalism, good governance and democracy in the EAC
- Organise number of seminars, workshops and conferences to debate issues of constitutionalism, good governance and democratic development
- A well established modern KCK Education Centre

Activities	Key Objectively Verifiable Indicators	Means of Verification	Important assumptions	Responsibility	Time Frame				
1.0 To provide information in order to activate East Africans to make constitutions and laws for constitutional development relevant to their experiences.					11	12	13	14	15
1.1 Strategic Objective 1: To undertake researches in order to foster public debate and dialogue.									
Identify topical and relevant research topics	Research themes/ topics on constitutionalism, good governance and democratic development in the region	Articles, Reports, Books, Papers and Fact briefs	Availability of Funds and expertise	ED/ PM					
Undertake research in areas of constitutionalism, good governance and democratic development in the region	Books, research papers, fact briefs on constitutionalism, good governance and democratic development in the region	Evidence of research papers, books and fact briefs	Availability of Funds and expertise	ED/ PM					
Document research findings into scholarly and popular	Number of books, researches and fact briefs published	List of KCK publications during	KCK staff ability to publish	PM					

publications		the strategic period	findings						
Simplify and translate publications on constitutionalism, good governance and democratic development for dissemination	Number of simplified publications on issues of constitutionalism, good governance and democratic development	Evidence of translated publications	Availability of funds and expertise	PM					
1.2 Strategic Objective 2: To undertake audits of the progress made and constraints faced in constitutional development in the region									
Carry out regular audits on progress of constitutionalism, good governance and democratic development in the East African region.	Number of audits on constitutionalism, good governance and democratic development	Evidence of audit reports	Availability of funds and staff	PM					
Document and disseminate the annual state of constitutionalism to different stakeholders in the region	Number of publications/reports	Evidence of published reports	Availability of funds and expertise	PM/PO Information & Communication					
1.3 Strategic Objective 3: To disseminate information on constitutionalism, good governance and democratic development.									
Organise seminars, workshops and conferences to debate contemporary issues of constitutionalism, good governance and democratic development.	Number of workshops, conferences, seminars and debates organised	Attendance lists for seminars, workshops and conferences	Availability of funds and expertise	PM					
Disseminate information on constitutionalism, democracy and good governance through IEC materials, and ICT such as social networking media, as well as other traditional media for propagating knowledge and securing participation on the subjects.	Number of IEC materials and media campaigns	Evidence of IEC materials and media campaigns	Availability of funds and expertise	PO Information & Communication					

Distribute KCK publications to different stakeholders in the region and beyond	Number of publications distributed/ shared and uploads on KCK website	Evidence of goods received record (both print and electronic) and updated website.	Availability of funds and expertise	PO Information & Communication /AC//OA					
1.4 Strategic Objective 4: To Strengthen the KCK Resource Centre									
Collect and catalogue publications on issues of constitutionalism, good governance and democratic development	Number of publications collected on issues of constitutionalism, good governance and democratic development	Evidence of publications in the resource center	Availability of funds and expertise	PO Information & Communication					
Develop KCK's Management Information System (MIS) to access and disseminate digital information on constitutionalism, good governance and democratic development	A functional MIS	Number of digital materials available	Availability of funds and expertise	FAM/PM Education Centre/PO Information & Communication					
Update KCK Consultants' Database.	Updated consultants' database	Revised list of KCK Consultants	Availability of funds and expertise	PO/PO IT Centre					
Expand the number of outlets that carry KCK publications in the region including in Burundi and Rwanda	Number of outlets for KCK publications An upgraded website (Capacity of KCK website)	Evidence of distribution channels and upgraded website	Availability of funds and expertise	PO Information & Communication /AC					
Operationalise the KCK Communication Plan	Communication plan in place	Evidence of communication plan	Availability of funds and expertise	FAM//PM/ PO Information & Communication					
Develop catalogues of KCK publications	KCK Catalogue/ directory in place	Evidence of KCK publications accessible in catalogue	Availability of funds and expertise	PO Information & Communication					
Display KCK publications posters at tertiary institutions,	Number of places/ institutions with KCK	• Evidence of KCK publications in	Availability of funds and	PO Information &					

resource centres, CSOs and other relevant places.	publication posters.	different places/ institutions. • List of institutions where KCK publications have been delivered.	expertise	Communication /AC/ OA					
1.5 Strategic Objective 5: To set up the KCK Education Centre									
Develop and offer short term courses in the area of constitutionalism, good governance and democracy to different stakeholders in the region	Number of short term courses developed	• KCK prospectus • Advertisements running in both print and electronic media such as upload on KCK website.	Availability of funds and expertise	PM Education Centre/ PO Training Centre					
Market the Centre through press and other attractive mediums.	Number of advertisements running across different mediums	List of bookings made to advertise across the different mediums.	Availability of funds and expertise	PO Training Centre/AC					
Digitise all KCK researches, scholarly papers and publications compiled over the years	Number of KCK works digitised	Administrative Report	Availability of funds and expertise	PM Education Centre/PO Information & Communication					
Create a database of all KCK Education Centre alumni and facilitators.	Database of KCK education centre alumni/ facilitators created.	Database Report	Availability of expertise	PM Education Centre/PO Training Centre					
Link up likeminded institutions with the Education Centre to share experiences and draw best practices.	Number of institutions linked with Education Centre	List of institutions linked with KCK Education Centre	Availability of expertise	PM Education Centre/PO Training Centre					
Initiate accreditation of the KCK Education Centre with the National Council of Higher Education (NCHE).	Application for accreditation with NCHE	Accreditation Certificate	Availability of funds and expertise	ED					

GOAL 2: To advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values

Expected Outputs:

- Number of seminars, workshops and conferences organised on knowledge sharing on constitutionalism, good governance and democratic development in the region
- Meetings between non state and state actors on constitutionalism, good governance and democratic development in the region

Activities	Key Objectively Verifiable Indicators	Means of Verification	Important assumptions	Responsibility	Time Frame				
2.0 To Advocate for constitutionalism, good governance and democratic development to empower East Africans to uphold democratic values					11	12	13	14	15
2.1 Strategic Objective 1: To initiate fora to engage in dialogue and critical debates over constitutionalism, good governance and democratic development									
Organise and facilitate engagement and with different stakeholders for knowledge sharing, experiences and best practice on constitutionalism, good governance and democratic development in the region, through such means as seminars, workshops, conferences etc.	Number of seminars, workshops and conferences organised for knowledge sharing on constitutionalism, good governance and democratic development in the region	Attendance list for seminars, workshops and conferences	Availability of funds and staff with expertise	PM					
2.2 Strategic Objective 2: To provide regional support for constitutionalism, good governance and democratic development									

Engage with the EAC and other RECs in Africa on issues of constitutionalism, good governance and democratic development in the region.	Number of activities involved in with EAC and other RECs in Africa on issues of constitutionalism, good governance and democratic development in the region	List of activities involved in promoting constitutionalism, good governance and democratic development in the region	Availability of expert staff	PM					
Engage with the ACHPR on issues of constitutionalism, good governance and democratic development in the region.	Number of activities involved in with the ACHPR on constitutionalism, good governance and democratic development in the region.	List of activities involved in with Africa Commission and peoples, rights on constitutionalism, good governance and democratic development in the region.	Availability of expert staffs.	PM					
2.3 Strategic Objective 3: To develop and engage a network of interested partners on issues of constitutionalism and governance									
Develop and participate in regional networks in promoting constitutionalism, good governance and democratic development in the region	Number of activities involved in with regional networks in promoting constitutionalism, good governance and democratic development in the region	List of regional network activities engaged in to promote constitutionalism, good governance and democratic development in the region	Availability of funds and expert staffs	PM					

Establish and strengthen linkages with critical actors at national, regional, continental and international levels on issues of constitutionalism, good governance and democratic development.	Number of activities involved in with critical actors at national, regional, continental and international levels on constitutionalism, good governance and democratic development in the region	List of activities involved in with critical actors at national, regional, continental and international levels on constitutionalism, good governance and democratic development in the region	Availability of funds and expert staffs	PM ⁴⁹					
--	--	--	---	------------------	--	--	--	--	--

⁴⁹ PM stands for programme manager, FAM for finance and administration manager; PO for programme officer; AC for accountant and OA for office attendant.

GOAL 3: To strengthen KCK’s organisational development in order to enable it implement its multidisciplinary programmes on constitutionalism, good governance and democratic development.

Expected Outputs

- Number of capacity building trainings for staff development
- A gender balanced staff and Board
- Relevant KCK strategies and policies e.g fundraising strategy
- A modern well facilitated KCK Secretariat
- KCK registered in Burundi and Rwanda

Activities	Key Objectively Verifiable Indicators	Means of Verification	Important assumptions	Responsibility	Time Frame				
					11	12	13	14	15
3.0 To strengthen KCK’s organisational development of KCK in order to enable it implement its multidisciplinary programmes on constitutionalism, good governance and democratic development.									
3.1 Strategic Objective 1: To hire, develop and retain competent staff									
Recruit relevant staff	Number of staff recruited	<ul style="list-style-type: none"> • Selection and Recruitment Report. • File/ Record of C.Vs for recruited staffs. 	Availability of funds and expertise.	ED					
Invest in staff development through capacity building	Number of capacity building activities staffs are involved in	Capacity building reports	Availability of funds	ED					
Develop a gender and regional diverse	Gender balance and regional diversity within the organisation	Staff list	Availability of skills	ED					

workforce									
Develop a motivated workforce	Number of activities to sponsor staff motivation	Staff motivation survey	Commitment of leadership and availability of funds	ED					
3.2 Strategic Objective 2: Develop and strengthen KCK's sustainability									
Develop KCK staff capacity to fundraise through equipping of staff with resource mobilisation skills, enhancing KCK image regionally.	Number of activities to develop KCK base to fundraise	Amount fundraised	Availability of expert staff	ED					
Maintain a gender balanced and multi-disciplinary regional Board	Ratio of male to female Board member representation by country	<ul style="list-style-type: none"> • Board Minutes Report. • Guidelines for Board membership. 	Availability of funds and expertise.	ED					
Ensure new Board members are inducted into KCK work and culture	Number of sessions run for induction of Board members.	Board Induction Report.	Availability of funds and expertise.	ED					
Develop Board	Number of Board Capacity Building	Capacity Building Reports.	Availability of funds and expertise	ED					

capacity to ensure effective governance in areas such as fundraising and networking.	sessions conducted.									
Develop a sound financial management system for KCK.	An up to date and enforced financial management system	Financial Audit Report	Availability of expert staff	FAM/AC						
3.3 Strategic Objective 3: Ensure KCK has adequate facilities to fulfil and execute its Mandate										
Update and maintain KCK inventory – physical infrastructure	Inventory of KCK infrastructure	List of KCK infrastructure inventory	Availability expert staff	ED/ FAM/ AC						
Ensure adequate resources and infrastructure to deliver on its mission.	An inventory of KCK's infrastructure.	List of KCK infrastructure inventory	Availability expert staff	ED/FAM/AC						
Upgrade continuously the KCK Management Information system.	Up to date/ functional MIS	Audit Report	Availability expert staff	FAM/AC/ PO Information & Communication						

Annex 2: Potential Risk Areas in Implementing the Strategic Plan

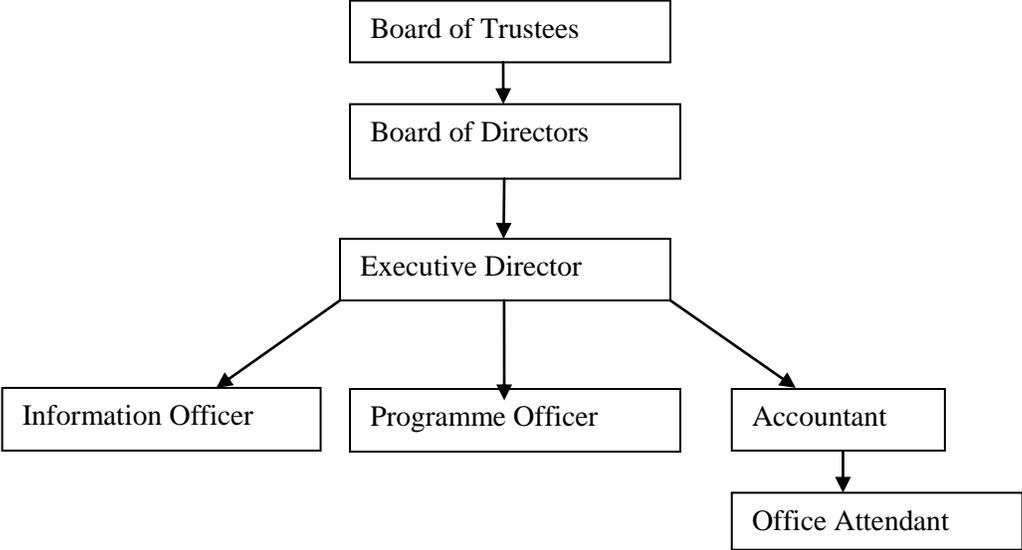
The major risk facing KCK in the coming strategic planning period are outlined below and how KCK can respond to a number of suggested risks.

POTENTIAL RISKS	HIGH RISK	MEDIUM RISK	LOW RISK	MITIGATING FACTORS
The space for civil society to organise and operate autonomously may be limited or denied through increased suppression of media and free expression by governments in the region; continued interference by the executive with the independence of the judiciary and legislature.	√			<ul style="list-style-type: none"> Join and work with other CSOs to advocate/ address this concern Liaise with government institutions such as the NHRIs to push for more open space for CSOs to operate in
Lack of a truly East African media and language i.e. Burundi and Rwanda are Francophone, in Kenya and Tanzania Kiswahili is commonly used, while Uganda has limited use of Kiswahili		√	√	<ul style="list-style-type: none"> Have the mechanism to translate KCK works in French so as to reach out to Francophone countries
KCK works in a politically volatile environment and conflict prone region – the Great Lakes region, now also a ground for Alshaabab attacks.		√		<ul style="list-style-type: none"> Establish KCK as an evidence based organisation that provides accurate and credible information Build a network across the region to minimise the possibility of being singled out and targeted
The emergence of other think tanks in the region that are replicating the KCK mandate and being recognised as part of the EAC structure	√			<ul style="list-style-type: none"> KCK will build networks within the EAC for recognition as the premier EA organisation advocating for constitutionalism, good governance and democratisation KCK will profit from her track record to continue to fulfil and excel in her mandate of

				promoting constitutionalism, good governance and democratisation
KCK, as human rights NGO, may face resistance from the government who may target her as a tool for funding subversive activities.	√			<ul style="list-style-type: none"> • Join and work with other networks to avoid being isolated • Ensure accuracy and credibility of information released.
<ul style="list-style-type: none"> • There is limited CSO participation in EAC processes. • Limited knowledge about the EAC in the region. • Ethno regional nationalism is undermining the cause of East African integration. • Lack of harmonised laws within the region 	√			<ul style="list-style-type: none"> • Engage actors working towards EAC integration • Participate in publicity for the EAC • Focus research on harmonisation of laws and policies in the EAC
There is likelihood that KCK may face a risk of being misunderstood by leaders given the nature of its work.		√		<ul style="list-style-type: none"> • Profile and show KCK success stories to partners
Donors are key to KCK work. However, the unpredictability and sudden shift in donor programme priorities poses a great danger in sustainability.		√		<ul style="list-style-type: none"> • KCK will need to diversify her sources of funds to ensure the sustainability and continuity of its work

Limited capacity, inadequate skills and competencies			√	<ul style="list-style-type: none"> • Staff development. • Training of staff in relevant disciplines. • Regular briefing to the Board on operational issues. • Recruit additional skills and competence.
Other potential risks to the implementation of this strategy among others may include; political uncertainty, lack of political will, negative cultural ties, nepotism and attitudes, unsupportive polices and laws and existing gaps in the legal framework, poor law enforcement and implementation, laxity in the implementation of the prevention and punitive laws			√	<ul style="list-style-type: none"> • Expand networks, coalitions to engage in policy and advocacy to improve the legal processes.
From the public potential risks include ignorance/apathy, inadequate will and capacity to demand for rights among members of the public and CSOs, low participation by the communities and public resignation to fight corruption.	√			<ul style="list-style-type: none"> • Work with CSOs engaged in civic education to raise awareness of this risk • Link the issues of constitutionalism, human rights and governance to people's conditions and positions and show/relate examples of success.

Annex 3: Kituo Cha Katiba's Current Organisation Structure



Annex 4: Proposed Kituo Cha Katiba Organisation Structure

