

The Role of the East African Community (EAC) in Strengthening Regional Integration and Regulatory Harmonization for the Development of the Oil and Gas Sector

Florence Masai*

School of Business, Unicaf University

Corresponding Author Email: masaiflorence3@gmail.com

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Abstract

The East African Community (EAC) has made significant strides in promoting economic integration. The East African Community (EAC) seeks to standardize oil and gas policies, regulations, and legal frameworks across its member states to create a consistent and predictable business environment. This study sought to determine the role of the East African Community (EAC) in strengthening regional integration and regulatory harmonization for the development of the oil and gas sector. The current study adopted a qualitative research design, specifically, a desktop research design. From the study findings the major role East African Community (EAC) plays to boost the oil and gas sector's development include promoting regional integration, harmonizing regulations, facilitating infrastructure development, promoting investment, cooperation in exploration and development, creating a single market, strengthening legal and institutional frameworks, promoting sustainable development, facilitating cross-border trade and providing a platform for dialogue and cooperation. The study concluded that EAC's efforts to harmonize petroleum product standards and policies promote consistency and reduce barriers to trade within the region. This harmonization simplifies business operations, reduces transaction costs, and creates a more predictable regulatory environment, attracting investors.

Keywords: *East African Community, Regional Integration, Regulatory Harmonization, Development of the Oil and Gas Sector*

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1. Introduction

The oil and gas industry has been crucial in powering economic growth and development worldwide for over a century. Since the first commercial oil well was drilled in Titusville, Pennsylvania, in 1859, the industry has continuously evolved to meet growing demand for energy products such as kerosene, lubricants, and gasoline. Throughout the early 20th century, major oil companies such as Standard Oil, Shell, and BP emerged as dominant players in the global energy landscape. These companies spearheaded technological advancements in drilling, refining, and distribution, driving the industry's growth and profitability (Zakizadeh & Zand, 2024). The oil and gas sector's development encompasses exploration, production, refining, and distribution, driven by technological advancements and cost-reduction efforts.

The industry is characterized by a value chain, including upstream (exploration and production), midstream (transport and storage), and downstream (refining and distribution) (Mohammadpoor & Torabi, 2020).

Regional integration and regulatory harmonization are crucial for developing the oil and gas sector, facilitating trade, investment, and efficient resource management across borders. According to Jia, Wang, Chen, and Chen (2022), regional integration involves countries within a geographic area collaborating to reduce trade barriers and foster economic cooperation. Regulatory harmonization, a key component of regional integration, aims to align regulations across member countries to facilitate trade and investment. This harmonization streamlines business operations, reduces compliance costs, and promotes a more level playing field for businesses operating across borders.

The integration of various processes and technologies is significantly impacting the development of the oil and gas (O&G) sector. This integration is driven by the need for increased efficiency, cost reduction, and a greater focus on sustainability. Vertical integration, where companies control multiple stages of the supply chain, is one key aspect, allowing for better management of resources and operations. Furthermore, integrating renewable energy solutions, such as solar and wind power, into existing O&G operations is becoming increasingly important for reducing the industry's environmental footprint and meeting sustainability goals (Sabel, Herrigel, & Kristensen, 2018).

In addition, Harmonization in the oil and gas (O&G) sector aims to standardize policies, regulations, and practices across different countries or regions, leading to increased efficiency, investment attraction, and regional market integration. Regulatory harmonization is crucial for the development of the Oil and Gas (O&G) sector, particularly in emerging producer countries (Salygin & Lobov, 2021). Harmonized regulations, which involve aligning legal and regulatory frameworks across different jurisdictions, can attract investment, promote regional integration, and ensure a more stable and predictable operating environment for companies (Ndomondo-Sigonda et al., 2021).

The East African Community (EAC) has made significant strides in promoting economic integration, with the establishment of a Customs Union in 2005 and a Common Market in 2010 standing as major milestones in the region's pursuit of regional integration. These agreements were designed to eliminate trade barriers within the region and facilitate the free movement of goods, services, and people, enhancing economic cooperation and intra-regional trade (Munyua, 2022). The creation of the Customs Union was pivotal, as it introduced a common external tariff, harmonizing trade rules for EAC member states, and eliminating non-tariff barriers that had previously hampered the free flow of goods. These measures were expected to boost intra-regional trade, particularly in agricultural and manufactured goods, and to support the growth of industries by providing a larger, integrated market.

Following the establishment of the Customs Union, the EAC members furthered their commitment to economic integration by signing the Common Market Protocol in 2010. This protocol was built upon the progress made through the Customs Union by allowing not only the free movement of goods but also services, capital, and labor (Asiimwe, 2020). The Common Market thus aimed to create a borderless region where citizens could live, work, and trade freely, contributing to a more integrated and competitive regional economy. This initiative marked a crucial shift toward greater economic unity, helping the EAC countries to better compete on the global stage by expanding their markets and providing access to a broader range of resources (Epulu, 2019).

The East African Community (EAC) aims to strengthen integration in the oil and gas sector. The EAC Partner States are cooperating in the joint exploration and development of energy resources within the region, aiming to optimize the exploitation of both renewable and non-renewable sources for the mutual benefit of East Africans. The EAC also encourages investment in the oil and gas sector, recognizing its importance in regional economic development and competitiveness. The EAC also facilitates the exchange of information, experiences, and best practices among its Partner States, including policy, legal, and regulatory frameworks (Alagoz & Alghawi, 2023).

The East African Community (EAC) seeks to standardize oil and gas policies, regulations, and legal frameworks across its member states to create a consistent and predictable business environment. This harmonization aims to streamline operations, encourage investment, and ensure fair treatment of all businesses in the oil and gas sector. For example, EAC has developed a Model Investment Code and Model Investment Treaty, which provide a framework for investment regulations and promote regional integration. They also aim to harmonize and rationalize investment incentives (Ndomondo-Sigonda et al., 2021). Therefore, this study sought to determine the role of the East African Community (EAC) in strengthening regional integration and regulatory harmonization for the development of the oil and gas sector.

2. Literature Review

A study conducted by Ndomondo-Sigonda et al. (2021) focused on harmonization of medical products regulation: a key factor for improving regulatory capacity in the East African Community. An exploratory mixed-method design using both qualitative and quantitative data to assess data from six National Medicines Regulatory Authorities (NMRAs) and the EAC Secretariat. Data was collected using a combination of semi-structured interviews, questionnaires, and checklists for the period 2010/11–2015/16, with 2010/11 data serving as baseline. Heads of NMRAs, regulatory and monitoring and evaluation experts, and the EAC Secretariat Project Officer were enrolled in the study. A set of 14 indicators grouped into 6 categories was used to assess NMRAs' performance. Collaboration, harmonization, joint dossier reviews and inspections of manufacturing sites, reliance, and cooperation are key factors for building trust and capacity among NMRAs. All the NMRAs have functional registration and good manufacturing practice inspection systems supported by regional harmonised guidelines for registration, inspection, quality management, and information management systems, with four NMRAs attaining ISO 9001:2015 certification.

Epulu (2019) evaluated the challenges of Regional Integration in Africa: The case study of the New East African Community. The research adopted the transformative mixed approach. This provided a framework for topics of interest, methods for data collection, and outcomes or changes anticipated by the study, and involved a sequential or concurrent approach. The researcher used face-to-face interviews with the employee from the Uganda Ministry of East Africa Affairs, Commerce and Tourism, the Ministry of Foreign Affairs, embassies of Tanzania, Kenya, South Sudan, Rwanda, and Burundi in Uganda. The study found out respondents' biographic data based on their sex, age, education level, marital status, and time spent in the community and experience. Findings in this study showed the overall mean rating for political factors influencing development in the EAC region was computed at 73.6%, which is relatively modest.

Creation of a regional content framework for the Oil and Gas Industry in the East African Community was assessed by Muhongo (2021). The study used a comparative case study methodology. This thesis argues that national content policies are not suitable for developing

oil and gas countries in Sub-Saharan Africa. Clearly, the findings have shown that national and community content policies cannot crack through the enclave based on several factors, like the role of the elite, national infrastructural inadequacy, lack of capital, and the absorptive capacity. Unlike Norway and Brazil, East African countries are nascent oil and gas producers with no economy to form linkages within the different sectors for economic development. But through applying the principles of justice in adopting and implementing a regional content policy in East Africa, the region can circumvent the national bottlenecks and crack through the enclave of the oil and gas industry for the economic development of the region.

Lwesya (2022), on the other hand, examined integration into regional or global value chains and economic upgrading prospects: an analysis of the East African Community (EAC) bloc. The study conducted a comparative analysis of participation in the global value chain (GVC) among EAC member states and assessed the determinants of economic upgrading in the region using UNCTAD-Eora GVC Panel data from 2005 to 2018. The results show that Kenya, Tanzania, and Uganda are relatively better integrated through two channels of GVC participation, namely foreign value added (FVA) and domestic value added. However, for the indirect-value added channel, Kenya had the highest score; the rest member states had relatively lower mean scores. The overall results show that EAC's participation in GVC still resides in upstream low- and middle-value-added production activities, which limits its competitiveness compared to other regions. The empirical results show the positive and significant effect of domestic credit, foreign direct investment, quality of institutions, and FVA on economic upgrading. However, a positive but insignificant association with economic upgrading was observed for human capital and GDP per capita. Infrastructure quality was negatively and significantly associated with economic upgrading.

The regional integration, progress, challenges, and conflicts in the East African Community were analyzed by Rwigema (2024). One of the key initiatives in this regard is the East African Standby Force (EASF), which aims to address regional security challenges and promote political stability. However, despite notable progress, the region continues to face challenges, including divergent political systems among member states and inadequate resources for the EASF. These obstacles hinder the effective execution of regional security strategies and the achievement of sustainable political cooperation. Strengthening political will, enhancing the operational capacity of the EASF, and improving cross-border collaboration are crucial to overcoming these barriers. The study concludes that a more coordinated and comprehensive approach to regional security is essential for the EAC's long-term stability and integration. In conclusion, the conflicts between EAC neighboring countries are multifaceted, involving political, ethnic, resource-based, and security concerns.

An inquiry on the impact of East Africa economic integration on bilateral trade in East Africa, focusing on Uganda, was conducted by Alex (2020). This research used descriptive statistics methodology using secondary data with time series data for the years 1967 to 2020. The analysis is divided into two: the period before and after Integration. The findings show that the EAC economic integration has resulted in a positive impact on trade among and within its members through expansion of exports worth USD 14B, which 22.4% ex- exports are associated with intra-EAC trade, thus the economy recording an annual average rate of 6.5% increase. Subsequently, trade within and among EAC has increased due to harmonization and reduction of tariff barriers from 26.1% in 1994 to 9.2% in 2011.

The regional integration and economic rivalry within the EAC Bloc: the Case of Kenya-Tanzania was appraised by Ayoo (2021). The study utilized Jakob Viner's Static analysis theory of trade integration to examine the link between regional integration and economic rivalry

within the EAC bloc using Kenya-Tanzania as a case study. The findings show that Article 9 of the Treaty provides the legal basis for the establishment of the institutional framework, and it guides the pursuit of EAC organizations' objectives. It is upon such an institutional framework that the institutions and organs of the community are established. The efficacy of the institutional framework varies from one institution to another. Additionally, there are several factors that are responsible for the economic rivalry that ensued between Tanzania and Kenya from 2019-2020. For instance, differences in political and economic ideologies are the main factors contributing to such acrimony and diplomatic row. There are several strategies that have been adopted to resolve the economic rivalry between Kenya and Tanzania, although their effectiveness differs from one to the next.

The effects of regional integration on state sovereignty in the East African Community (EAC) were evaluated by Amol (2023). The primary goal of the research study was to investigate how integration in the East African Community (EAC) affects the sovereignty of the states in the region. Neo-functionalism believes that transferring government authorities and decision-making procedures for common goals causes spillover effects that affect regional integration. From the analysis, the majority of respondents are optimistic about regional integration and they believe it has enhanced development, expansion, peace, and security in the EAC. Nonetheless, there are dissenting voices with hesitation or pessimism towards some aspects of integration. In conclusion, this study suggests that regional integration could affect state sovereignty in different ways within the EAC, providing directions to policymakers and other stakeholders for decision-making towards the integration process into the future.

Munzero Buzingo (2021) examined the challenges and opportunities in developing a common legal and regulatory framework on energy in the East African Community. This research work aims to review the legal and regulatory landscape on energy in EAC to assess the achievements, challenges, and opportunities of the energy sector to seek a foundation to develop a common legal and regulatory framework on energy in EAC, promoting trade and investment through lessons learned from ECOWAS. The study has shown that developing a legal and regulatory framework on energy in EAC is possible and needed, but thorough planning is required. Further, partner states' commitment is mandatory for the successful implementation of such a framework. However, it has also shown that such a framework could contribute to strengthening regional integration and economic development by reducing the energy deficit and increasing energy access permitted by a sound legal and regulatory framework providing an attractive environment for energy projects development.

Part of the integration strategies includes the development of the Customs Union, which involves the implementation of the East African Community Rules of Origin, 2015, which Waweru (2021) evaluated its determinants. He established that there are approximately 165 managers in the three agencies that were all studied since the study used census methodology. Federation of East African Freight Forwarders Associations (FEAFFA) was used for pilot testing thus was not included in the final data collection and analysis. It relied on primary data, which was collected through a structured questionnaire. Quantitative data were analysed using descriptive and inferential statistics, and results were presented using figures and tables for easy understanding and interpretation. The study findings indicated that the structure of the EAC RoO, the capacity of customs officials, and stakeholder awareness were key determinants of the implementation of RoO, 2015 in Kenya. Regression results showed that 53.9% of the variations in the implementation of the 2015 East African Community Rules of Origin in Kenya are jointly accounted for by the variations in the structure of the EAC RoO, the capacity of customs officials, and stakeholder awareness. The study concluded that there was improved

implementation of the EAC Rules of Origin, 2015, in Kenya, which was associated with the effectiveness of critical success factors, hence successful implementation.

Other integration problems, such as competition among member states, have on the TFTA, and Kimeu (2020) concentrated on the challenges experienced in EAC between the years 2000 to 2019. Another fundamental factor affecting regional integration is poor infrastructure. This has also been highlighted as an impediment in doing trade. Shared economic interests are seen as a driver of regional integration; however, this has not achieved its maximum benefits as there have been limited interests by member states. These factors include a lack of enough capital to do trade, divisions among the states, a lack of a common market, poor road networks, etc. This can be realigned by expanding the existing initiatives, such as the adoption of a single visa, to ensure benefits for all member states. Institutions such as the EALA, the EAC secretariat, and the Summit are analyzed. The weighing of more power on the summit has caused difficulties in the implementation of the EAC's agenda. There is also a limitation of the role played by the civil society and the private sector in the EAC decision-making process. The involvement of these actors can lead to the sustainability of the EAC process. Actors such as nation-states' involvement in the EAC have been hindered by the multiple memberships in the other REC-s.

The concept of East African integration's effect on Kenya's Sustainable Development and Economic Growth was reviewed by Mwangi (2021). This research study adopted a pragmatic design that combined a descriptive research design and a case study to examine the influence of East Africa regional integration on Kenya's sustainable development and economic growth. Primary and secondary data were utilized. From the findings, integrated immigration policies, health policies, economic policies, among others, implemented by the EAC partner states have played pertinent roles in enhancing trade in the region, access to health and education services, improved infrastructures and security in the region, as well as led to economic growth and development. Further, EAC regional integration has resulted in economic growth in Kenya as shown by the growth in GDP and the GDP per capita in the country.

3. Methodology

Research design is the strategy or plan, which is used to obtain respondents and to collect data from them to arrive at conclusions about a research question (Akhtar, 2016). There are three basic types of research design: qualitative research design, quantitative research design, and mixed-method research design. The current study adopted a qualitative research design. The specific qualitative research design that was adopted was the desktop research design. Desktop research (DR) reviews the previous research findings to gain a broader scope, and thus it to utilize large sample numbers to produce bias-free, measurable data about a user population (Wahid et al., 2024).

Cote (2021) defines data collection as the methodological process of gathering information about a specific subject. It is a systematic and standardized process of gathering and measuring information on variables that are relevant to a specific research topic or purpose. There are two types of data: primary and secondary data. Since this is a desktop study, it utilized secondary data. There are two forms of desktop research, which include internal desktop research and external desktop research. Internal desktop research of this study was collected from university's library, while external desktop research was collected online from various websites.

According to Babbie, Wagner-Huang, and Zaino (2022), data analysis entails looking at the obtained data and drawing conclusions and inferences, which include identifying underlying structures, extracting crucial variables, looking for anomalies, and evaluating any underlying

hypotheses. It entails examining the information that has been obtained and concluding. Content analysis was used to present the data.

4. Findings

The East African Community (EAC) plays a vital role in fostering regional integration and harmonizing regulations to boost the oil and gas sector's development. By promoting free trade, investment, and a unified legal framework, the EAC aims to create a more competitive and attractive market for oil and gas exploration and production. From the literature review, the specific roles of the EAC in oil and gas development include:

Promoting Regional Integration: The EAC's Common Market aims to facilitate the free movement of goods, services, people, and capital, creating a more integrated economic space that benefits the oil and gas sector. This allows oil and gas products (such as refined fuels, lubricants, and related equipment) to move freely across borders within the EAC. By eliminating tariffs, non-tariff barriers, and other trade restrictions, the Common Market creates a more favorable environment for the oil and gas industry to operate. In addition, the EAC is investing in infrastructure projects, such as oil pipelines and refineries, which will further facilitate the movement of goods and services within the region.

Harmonizing Regulations: The EAC prioritizes regional trade integration, which includes creating a conducive environment for cross-border trade and strengthening both public institutions and private sector organizations involved in export promotion. The East African Community Competition Authority works to protect market participants' freedom to compete by prohibiting anti-competitive practices and protecting the opening of member states' markets against barriers to interstate trade. The EAC seeks to create a uniform legal and regulatory framework for oil and gas, aiming to streamline the process for exploration, production, and trade in the region.

Facilitating Infrastructure Development: A robust transportation network, including pipelines, roads, and railways, is essential for moving crude oil and refined products from production sites to refineries and export markets. The EAC has identified priority pipeline projects, such as crude oil pipelines from the Albertine Graben to the Indian Ocean. The EAC recognizes the importance of a stable and reliable energy supply to support industrial development, including the oil and gas sector. This includes developing diverse energy sources like hydro, biomass, natural gas, and renewable energy.

Promoting Investment: The EAC showcases the region's petroleum potential and reports on ongoing exploration, development, and production activities. In addition, the EAC shares the policies, legal, and regulatory frameworks of its Partner States to create a conducive environment for the oil and gas industry. Further, the EAC identifies investment opportunities in exploration, extraction, and other related aspects of the oil and gas sector.

Cooperation in Exploration and Development: The EAC Partner States prioritize cooperation in the joint exploration and development of energy resources, including oil and gas, aiming to maximize benefits for all East Africans. This includes promoting the exploitation of both renewable and non-renewable energy sources. The EAC also aims to facilitate investment in the energy sector and provides a platform for stakeholders to discuss the legal and policy framework.

Promoting Sustainable Development: The East African Community (EAC) acknowledges the critical role of sustainable development in the oil and gas sector, prioritizing environmental responsibility and social benefit. The East African Community (EAC) encourages

environmentally sound practices, like the development of renewable energy sources. This includes promoting energy efficiency, exploiting renewable sources like wind and solar, and addressing fossil fuel challenges. Furthermore, the EAC aims to ensure that oil and gas projects positively impact communities, supporting local economies and creating job opportunities.

Providing a Platform for Dialogue and Cooperation: The East African Community (EAC) indeed serves as a platform for oil and gas stakeholders to interact with government officials, discuss challenges, and explore collaboration opportunities. The EAC facilitates these interactions through events like the East African Petroleum Conference and Exhibition (EAPCE). These gatherings provide a forum for discussing legal and policy frameworks, the business environment, and fostering dialogue among industry players

5. Conclusion

The East African Community (EAC) plays a crucial role in strengthening regional integration and regulatory harmonization, particularly for the oil and gas sector, by fostering a common market, promoting trade. This leads to increased investment, efficient resource management, and ultimately, a more integrated and economically competitive region. The EAC's Customs Union and Common Market protocols facilitate the free movement of goods, services, and capital, creating a larger market for oil and gas products and encouraging investment in the sector. This expansion of the market can attract more investment and stimulate economic growth.

The EAC's efforts to harmonize petroleum product standards and policies promote consistency and reduce barriers to trade within the region. This harmonization simplifies business operations, reduces transaction costs, and creates a more predictable regulatory environment, attracting investors. By integrating the economies of member states, the EAC enables the oil and gas industry to take advantage of economies of scale, leading to increased production and lower costs. This, in turn, enhances the competitiveness of the region's oil and gas sector.

6. Recommendations

To strengthen oil and gas sector integration within the East African Community (EAC), EAC should enhance regional cooperation through shared infrastructure, promote the use of local expertise, and balance fossil fuel reliance with the energy transition agenda. Specifically, the EAC should focus on developing pipelines, regional refineries, and efficient transportation and distribution networks, while also investing in research and development and capacity building to utilize local experts.

Policymakers should invest in human capacity building. This will facilitate efficient resource utilization, attract investment, and ensure sustainable benefits for all member states. Invest in training programs and educational institutions to develop a skilled workforce for the oil and gas sector. In order to improve technological skills and foster innovation in the oil and gas industry, policymakers should also encourage development initiatives. In addition, they should facilitate knowledge sharing among member states to ensure the sustainable development of the oil and gas sector.

The Oil and Gas Sector should ensure that the policy and regulatory framework in EAC member states is conducive to attracting investment and promoting regional integration in the oil and gas sector. The Oil and Gas Sector should also recognize that a lack of infrastructure, particularly pipelines and refineries, is a major barrier to regional oil and gas integration.

There is also a need to put in place mechanisms for enhancing adherence to the common market protocol of the EAC, such as joint penalization of member states that do not comply. The issue of divided interests due to multiple memberships in various RECS should also be addressed.

The industry should create a conducive environment for private sector investment in the oil and gas sector. This includes streamlining regulatory processes, reducing bureaucratic hurdles, and ensuring fair and transparent competition. In addition, the national government should provide incentives for private sector companies to invest in gas projects. This can include tax breaks, subsidies, and other financial incentives. This will strengthen the regional integration within the East African Community (EAC).

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