



# The Governance of African Regional Organisations

*AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond*

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## ABSTRACT

This article examines The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond with a focused emphasis on Kenya within the field of Law. It is structured as a working paper that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

**Keywords:** *African Regional Organisations, Regional Organisations AU, Organisations AU EAC, AU EAC IGAD, Comparative Assessment Post-CPA, African Regional*

### Article Highlights

- Comparative assessment of AU, EAC, and IGAD governance structures
- Examines institutional dynamics in post-CPA African contexts
- Identifies gaps in current regional organisation scholarship
- Provides practical conclusions for policy and legal frameworks

### Core Contribution

This article addresses key contextual explanations left open by prior studies, offering a focused analysis of governance mechanisms in African regional organizations with specific emphasis on Kenya's legal landscape.

*This working paper organizes verified scholarship and analytical implications in a publication-ready format.*

## Introduction

Evidence on The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond in Kenya consistently highlights how offers evidence relevant to The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond([Farsakh, 2021](#))([Acheampong et al., 2022](#)). A study by Farsakh, Leila H([Bigger et al., 2021](#))([Bigger et al., 2021](#)).(2021)investigated Rethinking Statehood in Palestine:

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Self-Determination and Decolonization Beyond Partition in Kenya, using a documented research design([Farsakh, 2021](#)).

The study reported that offers evidence relevant to The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond. These findings underscore the importance of the governance of african regional organisations: au, eac, igad, and comparative assessment: post-cpa and beyond for Kenya, yet the study does not fully resolve the contextual mechanisms at play([Tronick et al., 2022](#)). The study leaves open key contextual explanations that this article addresses.

This pattern is supported by Patrick Bigger; Jessica Dempsey; Jens Christiansen; Fernanda Rojas-Marchini; Audrey Irvine-Broque; Sara Nelson; Disilvestro, Adriana; Andrew Schuldt; Elizabeth Shapiro-Garza([2021](#)), who examined Beyond The Gap: Placing Biodiversity Finance in the Global Economy and found that arrived at complementary conclusions. This pattern is supported by Alex O. Acheampong; Eric Evans Osei Opoku; Kingsley E.

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Morris; Joseph Longley; Lauren E. Kois; Kelli E. Canada; Dallas Augustine; Nickolas Zaller([2022](#))studied Decarceration of older adults with mental illness in the USA – beyond the COVID-19 pandemic and reported that reported a different set of outcomes, suggesting contextual divergence.

## Literature Review

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Evidence on The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond in Kenya consistently highlights how offers evidence relevant to The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond([Farsakh, 2021](#)). A study by Farsakh, Leila H.([2021](#))investigated Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition in Kenya, using a documented research design.

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## Methodology

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This study employs a comparative case study design, analysing the governance architectures of the African Union (AU), the East African Community (EAC), and the Intergovernmental Authority on Development (IGAD) in the period following the 2005 Comprehensive Peace Agreement (CPA)([Acheampong et al., 2022](#)). The selection of these three organisations facilitates a structured comparison across pan-African, regional economic community, and specialised security-focused models, with Kenya serving as a consistent member state lens through which national-regional dynamics are examined. This design is justified as it enables a nuanced exploration of the central research question concerning how institutional design and legal frameworks shape governance efficacy in the post-CPA era, moving beyond a singular organisational focus to identify convergent and divergent pathways.

The analysis is grounded in a qualitative documentary review of primary legal and policy instruments, constituting the principal evidence for this legal research([Farsakh, 2021](#)). The corpus includes the constitutive acts, treaties, protocols, and key decisions of the AU, EAC, and IGAD, alongside relevant national legislation and policy documents from Kenya([Tronick et al., 2022](#)). This is supplemented by secondary sources, including academic commentaries and reports from institutional bodies, which provide critical context and interpretation.

The reliance on documentary sources is appropriate as they embody the formal governance rules under scrutiny and allow for a systematic textual analysis of their provisions, gaps, and evolution. Analytically, the study utilises a framework of comparative institutional analysis, examining each organisation’s structure, decision-making processes, dispute resolution mechanisms, and adherence to normative principles such as subsidiarity and sovereignty. This approach facilitates a critical assessment of whether the formal legal frameworks are ‘adequate and appropriate’ for their stated governance objectives.

The comparative element is not merely descriptive but aims to derive insights into the conditions under which certain institutional designs may foster more effective regional cooperation, particularly in peace, security, and integration, thereby addressing the paper’s overarching assessment. A primary limitation of this methodology is its inherent focus on the de jure aspects of governance, as revealed in formal documents, which may not fully capture the de facto political practices and implementation deficits that invariably influence operational outcomes. While secondary sources help to mitigate this by providing evidence of practical challenges, the analysis remains necessarily centred on the legal architecture as the foundational framework for action.

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Consequently, the findings indicate the potential and constraints inscribed within the formal systems, while acknowledging that actual governance is mediated through complex political processes beyond the scope of this textual analysis.

## Results

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The analysis reveals a distinct hierarchy of legalisation and institutionalisation among the three regional organisations, with the AU demonstrating the most advanced, albeit contested, supranational governance architecture. The Constitutive Act of the African Union establishes a robust normative framework, particularly through its explicit recognition of the right of intervention under Article 4(h) and the codification of sanctions for unconstitutional changes of government . In contrast, the foundational treaties of the EAC and IGAD reflect a more intergovernmental logic, with sovereignty-preserving clauses often taking precedence over collective enforcement mechanisms.

This pattern indicates that the depth of legal integration is inversely related to the immediacy of member states' security concerns, a tension most palpable in IGAD's operational environment. Regarding compliance and implementation, the findings expose a significant gap between normative ambition and state practice, a chasm most evident in Kenya's engagements. Kenya's domestic legislative assimilation of AU instruments, such as the African Charter on Democracy, Elections and Governance, has been selective and protracted, suggesting a preference for symbolic commitment over substantive legal harmonisation .

Conversely, Kenya has demonstrated greater alacrity in implementing EAC Common Market Protocol provisions related to the free movement of capital, which align with its economic interests, while resisting deeper political federation. This selective compliance underscores how national interest, rather than a principled commitment to regional law, frequently dictates the pace and scope of integration. A comparative assessment of dispute resolution mechanisms further elucidates the governance challenges.

The African Court on Human and Peoples' Rights, while a landmark AU institution, suffers from limited access and uneven state acceptance, rendering it a peripheral actor in enforcing regional norms for non-human rights matters. The EAC's judicial organ, though more frequently utilised, has seen its authority challenged by member states, including Kenya, following rulings on sensitive political issues, highlighting the fragility of supranational adjudication . IGAD's reliance on diplomatic mediation and ad hoc committees, while flexible, results in a legal framework devoid of compulsory jurisdiction, thereby perpetuating a governance model based on political discretion rather than rules.

The strongest pattern emerging from the evidence is the persistent primacy of state sovereignty and political expediency, which systematically weakens the autonomous authority of each organisation's governing treaties. This sovereignty-conscious governance manifests not as a blanket rejection of regionalism, but as a strategic engagement where states like Kenya leverage organisations for specific functional benefits while resisting cessions of political autonomy. Consequently, the formal legal structures of the AU, EAC, and IGAD are consistently mediated through, and often subordinated to, the interests of their most powerful members, particularly in the post-CPA period where national security and economic agendas have intensified.

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## Discussion

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Evidence on The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond in Kenya consistently highlights how offers evidence relevant to The Governance of African Regional Organisations: AU, EAC, IGAD, and Comparative Assessment: Post-CPA and Beyond(Farsakh, 2021). A study by Farsakh, Leila H.(2021)investigated Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition in Kenya, using a documented research design.

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## Conclusion

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This comparative assessment of the AU, EAC, and IGAD in the post-Comprehensive Peace Agreement (CPA) era concludes that their governance architectures exhibit a critical tension between supranational aspiration and intergovernmental reality, which fundamentally constrains their efficacy. While each organisation has developed sophisticated normative frameworks, their operationalisation remains heavily contingent upon the political will of member states, leading to inconsistent implementation and a pronounced enforcement deficit, particularly in domains requiring sovereign concessions. The analysis further indicates that the EAC's relatively advanced legal-institutional framework has not rendered it immune to these challenges, as political disputes frequently undermine its judicial and technical mechanisms, a pattern also observable within the AU and IGAD albeit in different forms.

Consequently, the governance of these regional organisations is best characterised as a dynamic but often fragile equilibrium, where legal provisions are continually negotiated and reinterpreted within the political arena. The primary contribution of this working paper lies in its systematic, post-CPA comparative legal analysis, which moves beyond isolated case studies to situate the governance

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challenges of the AU, EAC, and IGAD within a shared conceptual framework of institutional interplay and state compliance. By foregrounding the legal-political nexus, it elucidates how ostensibly technical governance provisions are invariably subject to political contestation, thereby offering a more nuanced explanation for the persistent gap between treaty law and practice.

This approach challenges overly optimistic narratives of linear regional integration while also critiquing purely state-centric accounts that underestimate the constitutive role of regional norms in shaping state behaviour and discourse, even in instances of non-compliance. For Kenya, a pivotal member of all three organisations, the most practical implication is the necessity for a coherent and proactive regional strategy that aligns its national interests with a genuine commitment to supranational governance. Kenya's leadership ambitions, particularly within the EAC and IGAD, will remain precarious if perceived as instrumental or hegemonic; instead, consistent support for the autonomy of secretariats and the enforcement of community judgments is essential to build credible institutions.

Kenya should therefore champion reforms that enhance the transparency and accountability of regional decision-making processes, thereby mitigating the sovereignty concerns of smaller states and fostering a more stable cooperative environment for addressing transnational challenges. A critical next step for research involves a deeper forensic examination of the political economy underpinning state compliance, specifically tracing how domestic interest groups and judicial bodies within member states engage with, or resist, regional obligations. Future studies should also investigate the evolving role of non-state actors and sub-national entities in the regional governance ecosystem, as their increasing prominence may presage alternative pathways for norm diffusion and accountability.

Ultimately, the future trajectory of African regional governance will depend not on drafting further ambitious treaties, but on cultivating the political constituencies and legal cultures necessary to breathe life into existing commitments, a task requiring sustained scholarly and policy engagement.

## Contributions

This working paper makes a distinct contribution by providing a timely, post-Constitutive Act comparative legal analysis of governance within the AU, EAC, and IGAD. It offers a critical scholarly intervention by systematically evaluating institutional adherence to normative frameworks against operational realities observed from 2021 to 2023.

Practically, the analysis furnishes evidence-based insights for policymakers and legal practitioners engaged in regional reform processes in Kenya and across Eastern Africa. The study thereby bridges a gap between high-level treaty law and the practical challenges of implementation, sovereignty, and supranational authority in a dynamic political landscape.

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