

# The EU as a model for African regionalism: decolonizing regional integration in Africa?

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Paper long abstract:

The EU is the most dominant model used to design and support regional integration in Africa. As such, the entire EU model can be considered as part of the knowledge infrastructure in Africa: not only does the EU provide the epistemic starting point for thinking about regional integration, it also contributes, financially and with expertise, to the process of regional integration. This paper critically reflects on this linkage, and asks which kind of knowledge infrastructure is needed in Africa to make regional, or pan-African, integration work better. As one mechanism to do so, it asks what the EU might learn from African experiences, and where Africa may leap-frog in the field of regional integration as well.

## 1. Introduction: the questions we ask and the answers we give...

The European Union (EU) is the most developed form of regional integration in the world. Consequently, it is often used as a model, albeit sometimes an anti-model, for other forms of regional integration in the world.<sup>1</sup> This most certainly applies to Africa, where the EU is commonly used as a template or benchmark for different regional integration projects. Not only does the EU model often provide the epistemic starting point for thinking about regional integration, moreover, the EU and several Member States also regularly contribute, financially and with expertise, to the process of regional integration. This only adds to the influence of the EU model on regional integration in Africa, directly and indirectly.<sup>2</sup>

One can welcome and decry the influence of the EU model, both normatively and methodologically. On the one hand, the risks of the N=1 problem, whereby the EU experience is projected on wholly different contexts, are well known and frequently reiterated.<sup>3</sup> What it more, the use of the EU model may be perceived as a form of modern colonialism. On the other hand, the EU simply is the most developed and best studied form of regional integration, meaning EU experiences and theories on EU integration are the richest sources we have. In addition, no perfect comparisons exist in the inherently n=1 reality of political organization where one cannot turn back the clock and organize the same region with the same history, culture, people and 'events' again except for the one key variable that one wants to isolate and test.<sup>4</sup>

Consequently, as we cannot observe any multiverses that may be out there, we will have to make do with the imperfect tool of comparison. At the same time, we must try to minimize the distortions caused by manifold relevant differences between regions and maximize our sensitivity to the pitfalls these differences create. To this end, this contribution has three aims. First, to identify some of these distortions and pitfalls. Second, to explore if and how some of these findings should impact our research agenda and the type of advice we distil from the EU experience for regional integration in Africa. Third, and certainly not last, how we may use this critical rethinking of EU lessons to challenge perceived wisdom and dogma on EU integration itself. What could and should the EU learn from regional integration projects in the rest of the world, which may find better and more modern solutions to some of the shared challenges?

The aim, therefore, is not just to 'decolonialize' the lessons we draw from the EU experience for Africa, but also to 'decolonialize' the (self-)perception of the EU as the inherent gold standard in

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<sup>1</sup> See for example P. de Lombaerde, F. Söderbaum, L. Van Langenhove & F. Baert, 'Problems and divides in Comparative Regionalism', in: F. Laursen, *Comparative Regional Integration: Europe and Beyond* (Ashgate 2010), ch. 2, and F. Söderbaum, 'Old, New, and Comparative Regionalism: The History and Scholarly Development of the Field', in: T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* OUP, 2016.

<sup>2</sup> W. Masinde/ C. Otieno Omolo, "Chapter 1: The Road to East African Integration", in E. Ugirashebuja et al. (Eds.) *East African Community Law – Institutional, Substantive and Comparative EU Aspects*.

<sup>3</sup> See also critically A. Acharya, 'Regionalism Beyond EU-Centrism', in :T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* (OUP, 2016) and F. Laursen, 'Regional integration: Some Introductory Reflections', in: F. Laursen, *Comparative Regional Integration: Europe and Beyond*, (Ashgate 2010), ch. 1.

<sup>4</sup> See more generally on the challenge of comparison, for example also between the EU and other (con)federal polities A. Cuyvers, *The EU as a Confederal Union of Sovereign Member Peoples, Exploring the potential of American (con)federalism and popular sovereignty for a constitutional theory of the EU*, (Diss. Leiden), Zutphen: Wöhrmann 2013, ISBN 978-94-6203-500-3 and A. Cuyvers, 'The confederal come-back: Rediscovering the confederal form for a transnational world' 19(6) *European Law Journal* (2013), pp. 711-738.

regional integration. This second part has become increasingly urgent as, with Brexit and the rest of the ‘pluricrisis’ facing the EU, the EU itself is also in need of fresh ideas and perhaps some rethinking of several initial doctrines and assumptions.<sup>5</sup> Considering this aim, this paper focusses on the comparison between the EU and the East African Community (EAC). Not only is the EAC strongly modelled on the EU, it is also the regional organization I have collaborated with most, specifically on the challenges of adapting EU law and mechanisms to the East-African context.<sup>6</sup> What is more, the EAC is currently engaged in an effort to draft a new constitution. This project could benefit from further consideration on where and how to use the EU model.

To structure and delimit this contribution, it focusses on several key comparative elements. Section 2 looks at the concept of a region itself, including the relation between regional and continental perspectives and identities. Section three subsequently looks at the actors assumed to be relevant, whereas section four considers the underlying objectives of integration, which in turn affect the order and pace of integration (section five). Section six ends with some conclusions and recommendations for future research, agenda setting, and collaboration.

## 2. The concept of a region and the role of the state

Regional integration requires that there is such a thing as ‘a region’ to integrate.<sup>7</sup> In the EU, the region has historically been strongly defined along the lines of nation-states sharing a certain geographical location and proximity.<sup>8</sup> In part this is due to the initial overriding objective of pacifying Germany and France after two World wars. This inevitably led to a strong focus on controlling states and their behaviour. In addition, since Westphalia, the nation-state has been a highly dominant factor in European governance in general, welding together identity, legitimacy, money, public administration, the use of force and other key factors. Consequently, the process of European integration largely focused on states and hence defined the concept of the European region along statal lines as well.<sup>9</sup> Key questions, for example, became how to connect European integration to the democratic and governance structures of the Member States, what the (hierarchical) relationship between the EU and the Member States is or should become, or how EU law relates to the laws

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<sup>5</sup> See on this more generally A. Cuyvers, ‘Brexit and the Real Democratic Deficit: Refitting National and EU Democracy for a Global Reality’, in: E. Ellian en R. Blommesteijn (eds.) *Reflections on democracy in the European Union* (Eleven Publishing, 2020).

<sup>6</sup> See more generally E. Ugirashebuja, J.E. Ruhangisa, T. Ottervanger and A. Cuyvers (eds) *East African Community Law: Institutional, Substantive and Comparative EU Aspects* (Leiden Boston: Brill Nijhoff).

<sup>7</sup> on the contested and complex concept of a region, and the many different ways in which one can conceptualize a ‘region’, see inter alia F. Söderbaum, ‘Old, New, and Comparative Regionalism: The History and Scholarly Development of the Field’, in: T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* OUP, 2016 and J. S. Nye, ‘Comparative Regional Integration: Concept and Measurement’, in *International Organization* Volume 22, Issue 4 Autumn 1968, pp. 855-880, DOI: <https://doi-org.ezproxy.leidenuniv.nl:2443/10.1017/S0020818300013837>.

<sup>8</sup> Note that the concept of a European state, which is a requirement to join under Article 49 TEU, has not been legally defined, meaning that the ultimate geographical scope remains open for future political decision-making within any potential boundaries set by the Court of Justice of the EU (CJEU).

<sup>9</sup> This is of course not to say that non-state actors did not play an important role. F. Schimmelfennig, ‘Europe’, in: T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* (OUP, 2016) and A. Cuyvers, ‘The Road to European Integration’, in: E. Ugirashebuja, J.E. Ruhangisa, T. Ottervanger and A. Cuyvers (eds) *East African Community Law: Institutional, Substantive and Comparative EU Aspects* (Leiden Boston: Brill Nijhoff).

propagated by Member States. Membership of the EU is also only open to states, meaning that the borders of the EU follow the borders of its Member States.<sup>10</sup>

The broader concept of a 'European region', moreover, was never clearly defined. Although a certain, if blurry, idea of 'Europe' as a continent has been around for a long time, the EU did not start out with a clearly delineated concept of Europe as a region. Rather, initial integration was primarily centred around France and Germany, gradually radiating outwards. In fact, expansion to other European states was only a last minute addition to the Schuman plan which kicked-off European integration, as Monnet initially envisaged a community between France and Germany alone. As it happened, however, the EU gradually expanded. From the initial core of six Member States, the EU enlarged to 28, now 27 Post-Brexit, which increasingly triggered the question where the geographical limits to the 'European region' actually lie.<sup>11</sup> Even if it could build on a shared history, culture and perhaps some level of common European identity, the EU therefore did not start out with a clearly defined geographical region in mind. Neither was European integration driven as such by a need or desire to (re)unite a certain preconceived region.

For East-Africa, defining the region in statal, or even geographical, terms might not be the most correct or beneficial approach, at least not exclusively. To begin with, except for Rwanda, the states involved are relatively young and were largely shaped during colonial times. Latching regional integration to the state, therefore, risks basing regional integration on statal conceptions that may not match the East-African context and that might entrench certain colonial legacies.<sup>12</sup> In addition, a focus on the state may exclude other conceptions of the region, which may also be important, for example along historical, cultural or tribal lines, which do not follow straight lines on a map. An overly statal conception of the region may, therefore, imbue the entire project of regional integration with an unintended bias that may exclude some key dimensions of how East Africa does or want to define itself as a region.

Different from the EU, moreover, and confirming the limits of the statal approach to defining a region, there is a stronger, if complex, understanding of a pre-existing East-African identity. In this sense, East-Africa might be said to have a stronger pre-existing notion as a region than the EU. This leads to the question how this pre-existing conception of a region should be connected to the East-African regional project. Should a regional integration projects serve existing conceptions of the region, or should it help create *new* regional identities that fit with the political realities and organization of political power, so as to make them viable and effective? Or are there ways to incorporate non-statal dimensions of being 'a region' into state-based forms of regional organization, as long as these other regions stay within the external boundaries of the region as set by its statal members?

Lastly, East-Africa also faces the challenge that the states that have been created now represent certain vested national interests and have also acquired a level of sovereign pride, inter alia linked to post-colonial independence. Regional integration that is primarily defined along statal lines may entrench such nationalistic sentiments as well as the existing elites that control the current states.

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<sup>10</sup> This is complicated by the different status of overseas territories, but this is not relevant for the point made here.

<sup>11</sup> Of course the also 'European' Convention on Human Rights has a far broader membership.

<sup>12</sup> See also C. Hartmann, 'Sub-Saharan Africa', in T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* (OUP, 2016).

This connection between the conception of the region itself and the parties that participate in or derive power from regional integration also brings us to the issue of actors in regional integration.

### 3. Actors in regional integration

The definition of the region, including a statal focus, also has a strong impact on the actors that are considered relevant for regional integration, both as agents and 'customers' of integration. A statal definition of the region, and of regional integration, logically leads to a focus on states and statal institutions as the key actors, together with any institutions created at the regional level.

In the EU, the statal focus meant that most key actors have a strong link to Member States, either directly or indirectly. Several institutions and bodies directly represent the Member States, being the Council of Ministers, the European Council, and national ambassadors in COREPER. What is more, much of the preparatory work for EU legislation is done by committees of national civil servants, and most of the members of the European Parliament campaign as part of a national political party, tying their election to a significant extent to the national political process as well. In the search for more democratic legitimacy, moreover, the EU is increasingly looking for ways to incorporate national parliaments into EU decision-making further connecting the EU to the existing statal mechanisms of legitimacy. Of course, non-statal actors also play an important role in European integration, for example via the Economic and Social Committee, which represents the interests of employers and labour at the EU level. What is more, several societal groups manage to have significant influence on EU integration, for example the round table of industrialists during the formative years of the establishment of the internal market or other lobby groups. The power of these actors, however, does not come close to those of statal actors (although of course indirectly some societal actors can influence these statal actors, and hence influence EU policy indirectly). Attempts by the EU to better include societal actors, for example by introducing a citizens' initiative, seem only to have a very limited impact. By and large, therefore, the EU is still strongly focussed on statal actors, and struggling to actively engage with non-statal actors.<sup>13</sup>

For East-Africa, a statal focus therefore also implies a certain risk of preselecting statal actors as the most relevant and dominant actors. Now obviously statal actors will always be relevant for any form of far-reaching integration as they have the kind of authority and administrative capacity required for deep integration. The question, however, is how dominant or exclusive statal actors should be.<sup>14</sup> To begin with, an overly exclusive focus on statal actors again reinforces the role of the state, with all the risks outlined in section 2. It also means that non-statal actors and organizations, which can play an important role in African societies, are relatively excluded. This may weaken the legitimacy and inclusiveness of regional integration, and rob African regional collaboration of some of its unique potential. Even worse, it may even enable statal actors to undermine the influence of these non-statal actors at the national level as well. For example, once a law is adopted by statal actors at the regional level, national societal organizations will no longer be able to use their national tools to affect the content or adoption of this law. Regionalism, if done wrong, can therefore be a means to exclude national counterforces. Similarly, a strong role for statal actors means more power for those in government, as it tends to be those in government that represent states at the regional level and control regional institutions. Especially where the government is controlled by one societal faction,

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<sup>13</sup> Cf. A. Cuyvers, 'The Institutional Framework of the EU', In: E. Ugirashebuja, J.E. Ruhangisa, T. Ottervanger and A. Cuyvers (eds) *East African Community Law: Institutional, Substantive and Comparative EU Aspects* (Leiden Boston: Brill Nijhoff).

<sup>14</sup> For the current framework, which is very state centred, and especially president-centred, see W.T. Kaahwa, 'Ch 2: The Institutional Framework of the EAC', in E. Ugirashebuja et al. (Eds.) *East African Community Law – Institutional, Substantive and Comparative EU Aspects*.

tribe, and/or party, this risks locking other groups out of regional decision-making. An overly exclusive focus on statal actors may therefore undermine the position of the opposition in general, and minorities in particular, again eroding the legitimacy and inclusiveness of integration. Thirdly, empowering statal actors through regional integration also risks empowering those societal groups who have a strong hold on national government already, such as for example certain business interests. Especially where the aim of regional integration may be to overcome national capture and monopolies, and to enable a free flow of trade to benefit consumers, this is obviously undesirable.

When designing EAC institutions, especially for the envisioned EAC (con)federal constitution, it is therefore important to 'decolonize' the EU institutional framework with its very strong focus on statal entities, or in any event to provide checks and balances for the effects such a statal bias might have in East-Africa. For example, one may consider tools to include the national opposition in regional decision-making, as well representation of other societal groups. Going one step further, one could explore where non-statal actors could be given actual, well delineated, powers to act, for example on very concrete and specific terrains such as education, health or social protection.<sup>15</sup> Similarly, the construction of and participation in EAC institutions could be based less on statal connections, but also on other concepts of representation.

Such an exercise of broadening the range and powers of non-statal actors should be of great interest to the EU as well. The EU might also benefit from broadening and diversifying its perspective on relevant actors, for example to better include not just the opposition in Member States but also those parts of society currently not reached or constructively engaged by European integration. As again illustrated by Brexit, there seems to be an increasingly large group that feels 'left out' by European integration and globalization. Instead of ignoring or disqualifying this group, there is a need to incorporate their views and interests more, which requires a rethink on the relevant actors and institutional design for regional integration, also in the EU.

As indicated, a strong role for statal actors will always remain, as states remain key organizational units for regional integration. Yet when using the EU model, the very state-centered implications of this model should be recognized and where possible counter balanced. Naturally the relevance and feasibility of involving non-state or non-traditional actors also depends on the concrete objectives being pursued by a regional integration, which is the next key dimension to consider when decolonizing the EU model.

#### 4. The objectives of regional integration

Since regional integration is not an end in itself, it is vital to have a clear idea about the specific objectives of any regional organization project when designing it. This also means, moreover, that the EU design tends to reflect the objectives underlying EU integration. Copying the EU model hence can mean implicitly incorporating the objectives behind EU integration, or failing to sufficiently serve those objectives that are not part of the EU objectives.

Two main objectives since the EU's inception have been peace and prosperity through economic integration.<sup>16</sup> The idea thereby was that economic integration and prosperity were not just ends in themselves but also tools for the objective of peace. By creating prosperity, and making this prosperity dependent on collaboration, future conflict could be avoided. Simply put, it would become economically almost impossible to fight. The initial focus on peace strongly focussed on defusing the

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<sup>15</sup> See also par. 4 below on the objectives of regional integration.

<sup>16</sup> Cf. Article 2 TEU as well as P. Craig and G. De Burca, 'EU law' (OUP 2020) Ch. 1.

German-French conflict, but the fundamental logic of preventing conflict by increasing the economic costs of conflict, or even making conflict impossible because your production chains for essential goods require inputs from other states, are more generally valid. For the EU, however, the underlying objective of preventing conflict has gradually decreased in prominence, at least in the public's perception, as a military conflict in the EU is considered almost impossible.

It is also important to understand that the economic objective of prosperity through economic integration was and is based on further economic realities in the EU. One key fact is that the economies in the EU were diverse enough to benefit from intra-EU trade. In other words, removing barriers to trade leads to more intra-EU trade and wealth. In addition, the assumption was that all economies involved were strong enough to survive open competition, meaning that those that were outcompeted would be able to switch to another economic activity where they would have a relative advantage, improving the overall competitiveness of the EU economy and again contributing to overall wealth (leaving distributional effects aside).

On top of these two foundational objectives, the EU has of course over time incorporated multiple other objectives, ranging from transport policy and science to the environment and foreign affairs. In fact there are very few areas left where the EU does not at least have a supporting objective, and almost none where EU law does not affect remaining national competences.<sup>17</sup> The two initial aims, however, remain the most deeply and systematically engrained in the EU model, whereas even the other aims are often connected to economic aims or competences. The focus here, therefore, is on the implicit incorporation of the peace and economic objectives when using the EU as a model.

For East-Africa, the objective of preserving peace and stability of course remains highly relevant, certainly with the accession of South-Sudan and the ongoing tensions in the region. The strategy of increasing economic interdependence to boost stability therefore also remains relevant, albeit that one can wonder how effective rational economic arguments will be when East-African leaders make decisions on war and peace. Nevertheless, even small contributions to stability should be appreciated here. One should also not underestimate the practical effect of frequent personal contact enabled by regional integration, both at the leader level and the lower echelons.

The more problematic underlying objective, however, is that of economic integration. At face value both the EU and the EAC share the same need and desire to boost prosperity and to that end create an effective internal market. Economic conditions, however, differ strongly. For example, many East-African states produce similar goods. This first of all means that there is limited scope for intra-regional trade, and hence less benefits for removing barriers to trade. Secondly, it means that they may see each other as competitors, selling the same goods to third countries. Third, the underlying problem is that they tend to sell basic raw materials and foodstuffs, as a result of which they only have a small part of the added value in the overall value chain. Fourth, undertakings are often not competitive enough to face open competition with the world markets.

Even if one wants to take over the economic focus of the EU, therefore, one needs to be careful to define what type of economic integration is required, and adapt the EU model to those more specific economic aims. For example, instead of removing barriers to intra-community trade, one may first want to support a more developed and diversified economy which could then benefit from intra-community trade. In line with this objective, one could focus on stimulating and fostering economic activities that capture a larger share of the added value. Both of these objectives, however, require

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<sup>17</sup> See famously K. Lenaerts, 'Constitutionalism and the Many Faces of Federalism' 4 *American Journal of Comparative Law* (1990), 205.

almost the opposite of the EU model: to first protect and shelter economic actors instead of exposing them to intra-community or even global competition.<sup>18</sup> Such sheltering, moreover, also brings the risk of unwarranted protectionism or protection based on political contacts rather than economic merit.

Once one starts modifying the objectives of economic integration, moreover, other objectives also gain in relevance. For starters, conquering a higher percentage of the added value will require education and investment, as well as a well-designed system for collaboration and joint ventures with foreign undertakings. Attracting FDI must then also not be seen as an objective in itself, but as a tool to contribute to this more structural improvement of the economy. Similarly collaboration on basic infrastructure and innovation will become more important, as East-Africa will have to select those sectors for development where it can leapfrog ahead. In addition, one could use regional integration to fill gaps in training and education and training in a way that was never necessary, or possible, in the EU.

Again such modifications to the EU model are also highly relevant for the EU itself. As the euro crisis has shown, the discrepancy in competitiveness between Member States has grown dramatically in the EU with its gradual expansion South and East. In addition, the EU now also has to consider how to function in a more multi-polar world with, inter alia, an ascending China. What is more, partially due to these developments, the EU is increasingly confronted with the need to deal with the distributional effects of economic integration: it is very well to grow European GDP by 5%, but if this leads to net economic benefits of 10% for Western and Northern Member States and a net loss of 5% of GDP for other Member States or certain social groups, the overall social impact may still be negative.<sup>19</sup> Here experiments in other regions to ensure equitable distribution of the benefits of integration may be valuable.

Even on seemingly neutral objectives such as economic growth or trade, therefore, it is important for East-Africa to unpack and deconstruct the underlying objectives and assumptions when using the EU model. For the EU, moreover, it is also essential to reassess some of its explicit and implicit objectives as a now very diverse Union of 27 enters a 21<sup>st</sup> century in which the economy and geopolitical reality are very different from the post WWII era.

##### 5. The order, pace and scope of regional integration

EU integration followed a particular order, at a certain pace, and has achieved a very broad scope, partially by design and partially due to 'events' such as the fall of the Berlin wall. To connect with the comments above on economic objectives, I will focus here on the order, pace and scope of economic integration, as again it seems that East-Africa might do well to pursue a different approach.

Economic integration started with free movement of goods, focussing first on removing tariff barriers, such as customs duties, and then non-tariff barriers (NTB's) such as differing product standards. subsequently, the EU started to focus more on economically active persons and services, and only more recently on digital services. This sequencing made sense as at the start of European integration goods made up more than 70% of all European trade, and hence the biggest obstacles to

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<sup>18</sup> Compare in this regard also the more developmental school of regional integration in the new wave of integration in Latin-America. See for example Andrea C. Bianculli, 'Latin America', in T. A. Börzel and Thomas Risse (eds) *The Oxford Handbook of Comparative Regionalism* (OUP, 2016).

<sup>19</sup> See on the fundamental challenge this distribution means for globalization more generally J. Stiglitz, *Globalization And Its Discontents: Revisited* (2017, Penguin).



trade concerned goods.<sup>20</sup> At the time, for example, services were even considered a residual category of economic activities.

In terms of timing, moreover, much depended on bumpy periods of stagnation followed by leaps. After a period of 'Euro sclerosis' in the 70's and early 80's, for example, during which political decision-making was largely blocked, the internal market programme at the beginning of the 90's revived the internal market leading to a sudden boost in economic integration. Similarly the fall of the Berlin wall led to a boost in expansion and deeper political integration, including the introduction of the euro as very much a political decision to cement European integration.

As to scope, European economic integration has by now affected almost all sectors of public authority, including social security, health care, criminal justice, and migration, to name some of the more sensitive ones. This is to a large extent due to the legal doctrine of effectiveness, which holds that any national rule that can affect free movement, and hence economic integration, falls under the scope of EU free movement law, and hence EU law.<sup>21</sup> As almost any national rule can directly or indirectly affect some aspect of free movement, this means that the scope of European economic integration has become almost universal. Even where Member States do not adopt EU legislation on a specific field, for example because they consider it a national competence, all national laws in this field still have to comply with EU treaty rules.

Neither the order, pace and scope of European integration should necessarily guide the integration project in East-Africa. To start with the order, we now live in a very different economic reality than in the 1950's and 1960's. Starting economic integration with goods, therefore, is not necessarily the optimal approach, especially not when one includes the different objectives behind economic integration in East-Africa. Instead, it may make much more sense to start, for example, with digital services, financial services, telecom and capital. These are not just economically more important these days, but they may also allow for faster growth, do not require the same institutional and political infrastructure, and may provide the financial context required to stimulate the production of more complex and valuable goods.

In several of these areas, moreover, the *pace* of integration can also be very different from the EU. First of all, because one can build on existing experiences and models, certain regulatory frameworks can be established much faster and better. Some stages of integration may be skipped altogether, whereas in well delineated areas East-Africa can leapfrog ahead. For example, creating a good digital infrastructure and decentralised grids may avoid the need for more costly and old-school investments in infrastructure. At the same time, considering the economic objectives of integration, some other forms of integration can be slower. A more gradual approach to the liberalisation in certain goods, for example, could be used to protect particular vulnerable or essential industries.

The order and pace of integration are also closely connected to the scope of integration. As indicated the EU model is a generalist model whereby the entire economy is integrated. This approach has clear advantages, but also carries huge costs and requires deep institutionalization, effective national and regional legal systems and stable political collaboration. For the East-African context, therefore,

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<sup>20</sup> S.C.G. Van den Bogaert, A. Cuyvers & I. Antonaki, 'Free movement of services, establishment and capital', In: P.J. Kuijper, F. Amtenbrink, D. Curtin, B. De Witte, A. McDonnell & S.C.G. Van den Bogaert (eds.) *The Law of the European Union* (2018, Deventer: Wolters Kluwer), 539-586.

<sup>21</sup> A. Cuyvers, 'General Principles of EU Law', In: E. Ugirashebuja, J.E. Ruhangisa, T. Ottervanger and A. Cuyvers (eds) *East African Community Law: Institutional, Substantive and Comparative EU Aspects* (Leiden Boston: Brill Nijhoff), 217-228.

one could seriously consider if more targeted, smart integration is possible, for example zooming in on those areas of economic integration, like digital and finance, where fast gains at relatively low cost are possible. One could also think of new sectors where no real national regulation exists yet, for example in intellectual property rights, data protection, fintech or platforms, so that regional integration can fill a gap instead of compete with existing national rules. One possible source of inspiration here is ASEAN, where they are working with the concept of harmonizing particular value chains, instead of the entire economy. A more focused approach to economic integration, be it in certain sectors, value chains or along other organizational line, could offer faster benefits at lower integration costs. It could also have the additional benefit of focussing on sectors where national opposition to collaboration, for example because of entrenched interests, is relatively low. This would also reduce the challenge of regional integration to national sovereignty and political elites, whilst at the same time establishing a practise of integration and collaboration that can slowly spread to other, more contentious sectors.

When using the EU model, therefore, East-African integration projects should be careful to assess the assumptions on order, pace and scope of integration that are implied by the EU approach. In its turn, moreover, the EU could greatly benefit from other, modern and more lean attempts at regional integration. As demonstrated by Brexit and gradually rising Euroscepticism in many Member States, there is an increasing question from EU citizens if European integration could take place in a more efficient way and with a lower cost in national sovereignty. This may not be possible, but it is certainly worth carefully observing if some other regions find more efficient and effective means of integrating, certainly in modern sectors of the economy, than the EU model.

#### 6. The questions we ask and the advice we give...

Based on the above, admittedly short and limited, assessment, it becomes clear that the EU model is based on many assumptions and contextual elements that simply do not apply to other regions, including Africa. This does not mean that we should ignore the EU example when pondering and planning integration in other regions. It does mean, however, that we should thoroughly chart and assess the nature of each specific region, the objectives of that particular region, and the actors, order, pace, and scope of integration that fit with these objectives.

Consequently, when designing East-African regional integration, we should make sure that we start with the right questions on the needs and context of the region itself. We should thereby dig deeply into each objective, as superficial overlaps in objectives such as 'economic integration' or 'free trade' can hide underlying differences that require radically different solutions. Only once we have established the specific needs and context can we usefully ask which tools of EU integration we can usefully tweak or apply. As is more often the case, therefore, giving good advice starts by asking a lot of good questions. One consequence for research is that we should do a better job of charting and asking these questions. There is a logical tendency to start from the research questions that are relevant for the EU experience, such as democratic legitimacy, which may not be relevant (yet) for other regions. Ideally, therefore, we would be able to draw up a joint research agenda with the different regions, treating the formulation of the correct questions as valuable research output in itself. We can also contribute on this point by providing the knowledge infrastructure required to ask and answer these questions. For example, we can do more work to use comparative regional integration to unearth the implicit assumptions underlying the EU project, and combine these findings in textbooks and class materials on the use of comparative examples in regional integration.

Such a critical assessment of the EU through comparisons with other regions, moreover, could also help to improve our understanding of the EU, and perhaps to find some solutions to the increasingly

urgent challenges facing the EU itself. What were the choices made, sometimes unconsciously, in the EU, and what were the roads not taken? What might be new innovations and options for effective regional integration that the EU has not incorporated yet, meaning that the EU may remain stuck in 4G regional integration where 5G variants may already be available? For the mere fact that the EU is the most successful and effective form of regional integration in the world so far does of course not mean that it is the best possible or most efficient form, or that it may not be in need of a major update. Decolonializing EU law, therefore, not just means accepting that the EU model may not be good for other regions. It also means accepting that the EU will not remain the gold standard for ever, or that perhaps the equivalent of a floating currency for regional integration may be invented at some point as well, somewhere else in the world.