1.1 A Bumpy but Rewarding Road . . .

The European Union (EU) has achieved a unique level of political and economic integration. More than 500 million European citizens share an area of Freedom Security and Justice and an internal market that forms the largest economic bloc in the world. 19 national currencies have been ‘integrated’ into a single European currency, further enabling trade and increasing wealth. To achieve and sustain such integration, strong institutions have been built, novel legal and political mechanisms have been developed, and substantial powers have been shared at the Union level, all whilst maintaining the ultimate authority and democratic legitimacy of the Member States.

This high level of integration has wielded enormous benefits in terms of wealth, stability and influence. For despite the vital importance of good law and institutions, part of the real secret behind integration is that it ultimately forms a win-win for all players involved. For states, citizens and businesses alike, integration can provide vital economic and political benefits. What is more, in our globalizing reality, integration is also necessary to retain the economic and political significance of individual states. As markets, companies and the digital world transcend borders, so must states transcend their own borders and cooperate to retain their relevance.

At the same time, European integration has been a long and bumpy road, and the process is far from complete. For despite its long-term benefits, it remains a challenge to properly structure regional integration and to overcome short-term obstacles and conflicts of interest. How, for example, to balance the influence and interests of different Member States, how to divide the benefits and costs of integration, or how to structure democracy at the supranational level? Over the years, therefore, the EU has faced many challenges and set-backs as it pioneered the process of regional integration and tried to adapt how we govern to the reality that needs to be governed. Brexit only forms the most recent example of such a set-back and of just how challenging it is to develop regional integration that is effective and legitimate, and that can resist short-term nationalistic reflexes, especially in times of (economic) crises and uncertainty. So far, however, the EU has always overcome such set-backs,
usually deepening integration as a result, in part because of the ultimate desirability and necessity of regional integration as set out above, although the fallout of Brexit of course still has to become clear.

It is the long and bumpy road travelled by the EU that will be discussed in the different EU companion chapters in this book. These companion chapters provide concise overviews of different fields of EU law and discuss the key legal tools that were developed to turn integration from an aspiration into a reality. Considering the comparative objective of this book, the primary focus of these companion chapters is on the foundational rules, mechanism and doctrines of EU law that still provide the basis for European integration today, and that might provide useful inspiration for East African integration now. For more comprehensive or specific discussions on particular issues of EU law each chapter will refer the reader to more specialized literature. In this way, the companion chapters also hope to function as a portal for those wanting to engage in more in depth comparative EAC-EU analysis on particular topics.1

Despite their comparative ambitions, the EU companion chapters of course fully recognize the significant differences between the EU and the EAC, and consequently the need for tailor-made EAC solutions that fit the unique potential of East Africa in the 21st century. Comparison can never be a cut-and-paste exercise.2 Nor do the EU companion chapters assume that the ‘European way’ is per definition the ‘best’ and should therefore always be followed. Quite the contrary: the EU offers more than enough failures and mistakes to learn from, and these failures are often at least as instructive as the EU successes. Instead of simplistically transplanting EU norms to the EAC, therefore, the aim of the companion chapters is first to distill the different legal solutions

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1 For those interested in further exploring EU law also see the Massive Open Online Course (MOOC) ‘The Law of the European Union: An Introduction’ developed by the Europa Instituut of Leiden University and available online for free via Coursera.