

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**OPERATIONALIZATION OF REGIONAL PROTOCOLS: THE CASE OF THE
EAST AFRICAN COMMUNITY PROTOCOL ON PEACE AND SECURITY**

BY

JOHN OLOO MANYOLO

SUPERVISOR: DR. EMMANUEL KISIANGANI

**A THESIS SUBMITTED IN PARTIAL FULFILFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTER OF
ARTS IN INTERNATIONAL STUDIES**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES,
UNIVERSITY OF NAIROBI**

OCTOBER, 2017

DECLARATION

I declare that this Research Project is my original work and has not presented for the award of a degree in this or any other University

Signature.....

Date.....

JOHN OLOO MANYOLO

REG. NO.

This Research Project is submitted for examination with my approval as the University supervisor.

Signature.....

Date.....

DR. EMMANUEL KISIANGANI

Institute of Diplomacy and International Studies,
University of Nairobi

DEDICATION

I dedicate this work to my family and friends who in many ways have stood by me both materially and spiritually to enable me get to this stage of my academic life. To my lovely wife Imeldah and my daughter Charlene thanks for your support and sacrifice of the precious time I took away from you in the course of these studies. To My brother George Oloo, you have always ably stood in for our departed parents and the text books you bought for me from your student's allowance when I was in primary school was a clear testament of your commitment and faith in us to rise to the highest level possible academically and in all spheres of life. To the entire Jokoloo family, Joyce, Tabitha, Victor, Michael, Nicholas, Marvel, Edward, Juniors, Martin, Caren, Debra and those who have not been mentioned, thanks for your encouragement and support.

ACKNOWLEDGEMENT

I wish to thank Dr. Emmanuel Kisiangani for his immeasurable support, guidance and patience that enabled me to successfully undertake this project. I also would like to thank IDIS for granting me the opportunity to better myself academically and for the great learning environment which they provided through their dedicated team of lectures and staff. Finally to my classmates with whom we walked together to ensure that we not only went further but that the journey was interesting and fun all the while, am forever grateful and positive that our bond shall endure.

TABLE OF CONTENTS

DECLARATION.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT.....	iv
TABLE OF CONTENTS	v
ABSTRACT.....	viii
LIST OF ABBREVIATIONS AND ACRONYMS	ix
CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY	1
1.1 Introduction.....	1
1.2 Background.....	2
1.3 Statement of the Problem.....	3
1.4 Objectives	3
1.4.1 Overall Objectives	3
1.4.2 Specific Objectives	4
1.5 Research Questions.....	4
1.6 Hypothesis.....	4
1.7 Justification of the Study	4
1.7.1 Academic Justification.....	4
1.7.2 Policy Justification.....	5
1.8 Literature Review.....	5
1.8.1 Conceptualization of Peace and Security.....	6
1.8.2 Traditionalist Conceptualization on Peace and Security	6
1.8.3 Non Traditionalist Conceptualization on Peace and Security.....	8
1.8.4 Peace and Security Framework within an International System	10
1.8.5 Peace and Security at Regional Level.....	14
1.8.6 The Role of African Peace and Security Architecture in Africa	14
1.8.7 Peace and Security Arrangement at a Sub Regional Level.....	16
1.8.7.1 Association of South East Asian Nations	16
1.8.8 ECOWAS Peace and Security Structure.....	17
1.8.9 South African Development Corporation Peace and Security Framework	20
1.8.10 The East African Peace and Security Protocol	21

1.9 Theoretical Framework.....	23
1.9.1 Realism	23
1.9.2 Functionalism.....	24
1.9.3 Constructivism	25
1.10 Methodology.....	26
1.10.1 Data Collection Procedures.....	26
1.10.2 Population Sample	27
1.11 Scope and Limitations of the Research.....	28
1.12 Chapter Outline.....	28
CHAPTER TWO: REGIONAL ECONOMIC COMMUNITIES AND THEIR ENGAGEMENT WITH PEACE AND SECURITY MATTERS	30
2.1 Introduction.....	30
2.2 Sub-Regional Peace and Security Architecture	35
2.3 South African Development Corporation Peace and Security Framework	37
2.4 Conclusion	37
CHAPTER THREE: OPERATIONALIZATION OF THE EAC PROTOCOL ON PEACE AND SECURITY.....	38
3.1 Introduction.....	38
3.2 Principles and Provisions of the EAC Protocol on Peace and Security.....	38
3.3 Achievements.....	39
3.4 Challenges to the Operationalization of Protocol	41
3.5 Conclusion	43
CHAPTER FOUR: OPTIONS FOR ENHANCING THE OPERATIONALIZATION OF THE EAC PROTOCOL ON PEACE AND SECURITY	44
4.1 Introduction.....	44
4.2 Conclusion	52
CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMENDATIONS.....	53
5.1 Introduction.....	53
5.2 Summary of Key Debates	53
5.3 Summary of Key Findings of the Study	57

5.4 Conclusion	59
5.5 Recommendations.....	60
BIBLIOGRAPHY	62

ABSTRACT

The East African Protocol on peace and Security was established in 2013 by the EAC member states to aid in the securitization processes of the sub-region. This was a positive move seen in light of departure from the traditional conceptualization of security as an exclusive domain of states to the non-traditionalist conceptualization which expands the scope of security beyond state to non-state actors and issues to be securitized beyond military concerns to encapsulate new and emerging global challenges. More than four years into its signing, the protocol is yet to be fully operationalized with measured success into its implementation. As a legal instrument, its framework is yet to be institutionalized and its ratification by the member states is low. The challenges it sought to address continue unabated with two member of the EAC member states; South Sudan and Burundi, in serious internal conflict almost rendering South Sudan as a failed new state. Terrorism, cattle rustling, Cyber-crime, Money laundering, refugee crisis among other challenges remain rife. The study identifies lack of political goodwill as a key obstacle to the operationalization and full implementation of the protocol. EAC countries are not ready to sufficiently cede their sovereignty and pursuit of their respective National power and interest at the Altar of joint collective security. Provisions of the protocol which advance democratic principles, good governance and respect for human rights are seen as an affront to the long established mantra of “non-interference to the internal affairs of states”. Other obstacles identified relate to coordination challenges, financial challenges, lack of technical advisory support, institutionalization challenges, poor consensus building, poor public participation, marginalization of targeted communities, and incompatibility of local cultural values with universal values within the protocol. The study has recommended various options for enhancing the operationalization and implementation of the protocol key to which is cultivation of the political goodwill necessary and sufficient for the ratification and domestication of the protocol, steady funding, aligning cultural values to universal values through legislating against retrogressive cultural practices, improved coordination through strengthening of institutions envisaged in the protocol amongst other recommendations.

LIST OF ABBREVIATIONS AND ACRONYMS

EAC.....	East African Community
ASF.....	Africa Standby Force
PROTOCOL.....	East African Community Protocol on Peace and Security
UNSC.....	United Nations Security Council
UN.....	United Nations
OAU.....	Organization of African Union
AU.....	African Union
IGAD.....	Inter-Governmental Authority on Development
RECs.....	Regional Economic Communities
UNSOM.....	United Nation’s Assistance Mission in Somali
UNHCR.....	United Nations High Commission for Refugees
Rp2.....	Responsibility to Protect
APSA.....	African Peace and Security Architecture
AMISOM.....	African Mission in Somali
UNMISS.....	United Nation’s Mission in South Sudan
ASEAN.....	Association of South East Asian Nations
ECOMOG.....	Economic Community of West African States Monitoring Group
ECOWAS.....	Economic Community of West Africa States
SADC.....	South African Development Corporation
RPF.....	Rwandese Patriotic Front
NGO.....	Non- Governmental Organization
IDIS.....	Institute of Diplomacy and International Studies
CEWS.....	Continental Early Warning System
AUPSC.....	African Union Peace and Security Council
CSO.....	Civil Society Organization

CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Kenya, Tanzania, Uganda, Rwanda, Burundi, Uganda and South Sudan are members of the East African Community (EAC). The community of states was established through an East African Community treaty in the year 2000. At the inception only Tanzania, Uganda and Kenya ratified the treaty. Rwanda and Burundi acceded to the treaty later in the year 2007 whereas South Sudan, the youngest state in Africa, acceded to the treaty in the year 2016.¹

The Objective of the community is to promote socio-economic and political cooperation among the member states. The cooperation seeks to promote a single customs union, single monetary currency, common market, free movement of persons and ultimately a unified political confederation.² The Institutional Framework of the EAC is structured into organs namely; the Summit, the Council, the Coordination Committee, sectorial Committees, the East African Court of Justice, the East African Legislative assembly, the Secretariat and any other organs that may so be determined by the summit. The summit is the most powerful organ since it is composed of the Heads of States.

While the EAC has established a number of legal instruments to pursue its objectives, this research limits itself to the EAC Protocol on Peace and Security that was established in 2013.³ The protocol aims at addressing security concerns in the region including terrorism, refugee crises, genocide, cattle rustling, the proliferation of small arms and light weapons, transnational and cross-border crimes and cooperation in detention, custody, and exchange of prisoners. The study evaluates the protocol in terms of its operationalization, challenges and prospects.⁴

¹ EAC Secretariat, (2000). The East African Community Treaty, Arusha.

² Ibid.

³ EAC Secretariat, (2013). The East African Community Protocol on Peace and Security, Arusha.

⁴ Ibid.,p. 1.

1.2 Background

The EAC region has been compounded with great challenges in the post-cold war era. Rwanda for instance in 1994 faced genocide at the watch of the global community with the United Nations doing nothing to intervene. The Genocide came with a huge refugee crisis that burdened the EAC member states.⁵ The EAC member states were, however, ambivalent, throughout despite being neighbors to Rwanda. The EAC member states did not have any policy framework to guide them through such situations.⁶

On 7th August 1998, Kenya and Tanzania were hard hit by Terrorists because of their close association with the west. Terrorism had crept into the region and the three partner states were left at the mercy of Israeli's to handle the humanitarian crisis that ensued after the attacks. The United Nations Security Council (UNSC) passed resolution 1189 condemning the attacks and putting measures in place to prevent further attacks.⁷ Somalia, a neighbor to the EAC partner states turned into a failed state in 1991 and greatly contributed to the refugee problem and the proliferation of small arms into the EAC region. Somali turned into a breeding ground for pirates affecting the blue sea economy of the EAC member states along the Indian Ocean. Again there was no common response from the EAC member because of a lack of a common strategic direction to resolve the situation.⁸

Uganda a Member of the EAC has faced a great number of coup d'états leading to small arms proliferation within the region. The proliferation of small arms in both Uganda and Somali bordering Kenya has greatly contributed to cattle rustling between Kenyan and Ugandan communities living in the border region. This has not been easy to deal with and it has created xenophobic tendencies among the communities living across the border.⁹ It is because of these challenges that the EAC member states felt the need to have a

⁵ P. Crisafulli & A. Redmond, (2012). Rwanda Inc. New York: Macmillan. P. 70

⁶ W. Tordoff, (1997). Government and Politics in Africa. New York: Macmillan.

⁷ M. L. Oluoch, (2009). Kenya's Foreign Policy towards Israel, 1963-2002: Contradictions between Rhetoric and Practise. University of Nairobi.

⁸ The UNESCO press. *The decolonization of Africa: Southern Africa and the Horn of Africa*. Warsaw, Poland. P. 97

⁹ S. Gruzd, (2014). *African Accountability: What Works and What Doesn't*, Johannesburg: SAIIA Publishers.

modality to promote collective security among member states. To achieve this, the EAC came up with a strategy document in the year 2006 on peace and security that later culminated into the development of The Peace and Security Protocol in the year 2013. Upon the establishment of the Protocol, all the member states immediately signed it, it is however so unfortunate that by the year 2015 only Rwanda and Uganda had ratified the protocol.

Terrorism, Cattle Rustling, Proliferation of Small arms, Refugee Crisis is still rampant within the region. It is upon this backdrop that this research seeks to delve deeper to ascertain what is hindering the full operationalization of the Protocol.

1.3 Statement of the Problem

Even after the development of the Protocol and a number of Member States ratifying it, the EAC region is still compounded by security challenges; ranging from, terrorism, Cattle rustling, refugee crisis, transnational and cross border crimes among others.¹⁰

Intra, inter and non-state conflicts are on the rise, the refugee crisis is bulging and Kenya, a signatory of the EAC protocol, has resorted to shutting down her refugee camps in Kakuma and Dadaab, a violation to the 1951 UN Convention on Refugee's and the 1969 OAU Convention on Refugees that are highly entrenched in the EAC protocol on peace and security.¹¹ The research examines the protocol, extent of its implementation and challenges and prospects in responding to regional problems.

1.4 Objectives

1.4.1 Overall Objectives

To evaluate whether or not the EAC Protocol on Peace and Security has lived by its principles.

¹⁰ C. Elowson & L. Adrian. *Challenges to Peace and Security in East Africa: The Role of IGAD, EAC and EASF*.

¹¹ UN Security Council, (1951). *The Convention on Refugee's*.

1.4.2 Specific Objectives

- (i) To assess the peace and security situation in the EAC region.
- (ii) To examine the protocol and its operationalization and to identify the challenges facing the operationalization.
- (iii) To critically analyze options for enhancing the operationalization of the protocol.

1.5 Research Questions

- (i) What is the peace and security situation in the EAC sub-region?
- (ii) What is the state of operationalization of the Protocol and what have been the challenges to its operationalization?
- (iii) What are the options for enhancing the operationalization of the protocol?

1.6 Hypothesis

Without political will from the EAC member states, the Protocol on Peace and Security cannot achieve its mandate. Political will means domesticating and entrenching the Protocol into the national security structures, an undertaking that EAC Member States have given a wide berth. For any international or regional regime to achieve its desired purpose, it must be adopted and entrenched into the local policy framework.¹²

1.7 Justification of the Study

1.7.1 Academic Justification

The EAC Protocol on Peace and Security was established in 2013 and very few scholars have taken time to write about it. Indeed, while there are a number of writings on the security challenges facing the EAC region,¹³ the dearth of engagement with the policy document meant to provide direction on resolving the security challenges is disconcerting.

The researcher, therefore, specifically delves into the EAC Peace and security protocol by evaluating its operationalization, the challenges faced and the opportunities that it

¹³ C. Elowson & L. Adrian. *Challenges to Peace and Security in East Africa: The Role of IGAD, EAC and EASF*, P. 2.

provides in conflict mitigation and resolution of security challenges within the EAC region.¹⁴ The research will also make suggestion on how to revitalize and inject effectiveness into the protocol within the EAC member states.

1.7.2 Policy Justification

There has been debate about Regional Economic Communities (RECs) in Africa such as the EAC and their role in responding to regional challenges. Some RECS such as the Economic Community for West African States (ECOWAS) have been more active than others such as the EAC. The EAC has, in particular, been criticized for not actively engaging with conflicts such as the case of Burundi and an array of other security challenges within member states. This research, therefore, aims to examine the challenges facing the EAC in operationalizing its Protocol and make policy relevant suggestions on how to improve the regional body's effectiveness in responding to peace and security challenges.

The policies proposed can, therefore, be incorporated into the peace and security protocol through an amendment as enshrined in article 150 of the treaty.¹⁵ The phenomenon that the EAC Protocol on Peace and Security stands to address has mutating tendencies which therefore means that the protocol must develop subsidiary conventions on security.

1.8 Literature Review

Security is the act of a state's survival, the absence of both internal and external threats and fear directed towards the state and the citizenry. Security can be a political affair however it needs to be an act that restores value to the international system, international sub system, to states and non-state actors, and to the individual. When the above has been achieved then that becomes peace.¹⁶

¹⁴ P. H. Justin & L. V. Mathijs, (2016). *The Politics of Displacement-Related Land Conflict in Yei River, South Sudan*, Cambridge.

¹⁵ Ibid, Article 150.

¹⁶ A. Wolfer, (1952). *National Security as an Ambiguous Symbol*, Political Science Quarterly Journal, Vol. 67, No 4: 481 – 502.

1.8.1 Conceptualization of Peace and Security

The conceptualization on peace and security can be classified into two scenarios between traditionalist and non-traditionalist thinkers. Traditionalist thinkers believe that peace is the absence of war since they equate security to military issues and the use of force. Whereas non-traditionalists believe otherwise and reason that there are a good number of other factors that determine the conditions of peace. These factors range from political, environmental, economic and societal factors and therefore when analyzing peace and security the listed factors must be considered.

Traditionalists war are symmetric by nature, the battle fields are constant, the war is state centric, the resolve to war means a total war, successful war means the total command of land, space, and the use of hard power.¹⁷ Non traditionalist on the other hand believe in new wars which are characterized by the use of technological advancement, the war is asymmetric in nature, both hard and soft power are used, other actors besides the state get absolved into the war, in many at times the battle fields change, winning the war is determined by commanding both land, air and sea space.¹⁸

18.2 Traditionalist Conceptualization on Peace and Security

Chipman, a strong traditionalist, reiterates that security is the phenomenon of war and therefore nonmilitary concerns like the environment and economic should not be used to conceptualize peace and security agenda. And if that is so done, then the intellectual coherence of security studies shall be lost because issues such as disease, pollution, and child abuse shall be absolved into security studies. Security Studies must be limited to Military and the use of force.¹⁹

Stephen Walt posits that the best way for a state to securitize herself is through forming a balance of power or joining an alliance of strong states. Walt believes that cooperation among weak states cannot guarantee national security to the member states. In that a

¹⁷ B. Buzan, O. Waever. & J. D. Wilde, (1998). *Security: A New Frame Work For Analysis*, London: Lynne Reinner.

¹⁸ B. L. Hart, (1964). *A History of the First World War*, Pan Macmillan.

¹⁹ Chipman, (1992).

stronger enemy can confidently dominate and attack the cooperation of weak states, it is therefore important for states to realign themselves with stronger nations through the formation of balance of power or joining an alliance.²⁰

Walt introduces a new concept known as Bandwagoning whereby in the wake of a threat the weak state can opt to align herself with the source of threat and in that way she will be safe from the threat.²¹ Walt tends to coincide with Clausewitz who contends that a sovereign state should not engage herself in a war if she cannot win, instead she should rather realign herself with a great power to get protection from the threats.²²

Kenneth Waltz, reiterates that the quest for security is a competitive bid which can only be managed by great powers.²³ Polarity determines who makes decisions at the global stage which small states are later forced to abide by, Waltz is therefore insinuating that small states should align themselves with great powers within the UN Security Council to lobby for their agenda setting on issues such as refugee crisis. Weak states should know that the behavior of great power is largely influenced by external factors not internal factors within those great power states.²⁴

Plato alludes that there is very little trust among sovereign states and the level of mistrust and fear vary over time. Plato uses Germany, France and United Kingdom to reaffirm his statement that states do not trust each other, he postulates that the three countries had been close allies for almost forty five years but they ended up fighting. Plato therefore believes that states are too selfish to cooperate for a common good. Plato insists that any state that is focused on securitizing herself must be suspicious of the other, and that is why states compete to equip their military power. The concept of regional cooperation to enhance peace and security cannot be prioritized at the expense of national security.²⁵

²⁰ Stephen M. Walt. *Alliances: Balancing and Bandwagoning*, p.110.

²¹ Ibid.

²² C. V. Clausewitz. (1976), *On War*, Princeton: Princeton University Press.

²³ K. N. Waltz, (2010). *Theory of International Politics*, Waveland Press.

²⁴ J. Mearshimer, (2001), *Tragedy of Great Power Politics*, Norton, p. 97 – 106.

²⁵ Plato, (1930). *The Republic*.

Plato insists that states pay close attention on how power is distributed among themselves for it is in the interest of every state to conquer the entire world where possible. And therefore states do everything possible to alter the balance of power in their favor through diplomatic, political and military means. And therefore regional cooperation regimes can be established but their operationalization may not be fully realized due to selfish interests.²⁶

Traditionalist are quick to make a reservation that they are not against cooperation among states, however reality checks should not be underestimated, in that considerations must be made about relative gains and concerns about cheating must be addressed. States are naturally selfish and are always concerned about their absolute gains at the expense of the other. Actually states cooperate to make it easier for them to spy on one another, and monitor each other closely.²⁷

States therefore cannot fully cooperate to realize perpetual peace and security, because the process is highly competitive. And therefore no amount of cooperation can eliminate the dominating principle of security. Cooperation did not stop great powers from going into World War 1 & 11 and subsequently Cold War, and therefore even in times of cooperation war is still inevitable. It is therefore upon individual states to protect their own national security. Fact is that the world is in anarchy and every state is struggling to survive.²⁸

1.8.3 Non Traditionalist Conceptualization on Peace and Security

Buzan and Weaver contend that the threats and vulnerabilities in the 21st Century are very different from the ones in the previous centuries. Today the world is globalized and threats to peace and security are non-militaristic by nature, the refugee crisis, drought and hunger are societal factors that deny the world to experience peace. And therefore much

²⁶ Ibid.

²⁷ R. L. Shweller, (1996). *Neorealism: Security Dilemma*, Security Studies 5, No 3, spring.

²⁸ E.H. Carr, (1962). *The 20years Crisis*, 2nd ed. London: Macmillan, p. 10.

emphasis and focus should not be laid on war, and that the absence of war as a reflection of peace.²⁹

Non Traditionalists like Nye and Buzan disagree with traditionalist's conceptualization of peace and Security as the sole mandate of the state. Nye reiterates that states must be cognizant to the fact that trends have changed and the use of hard power is no longer relevant.³⁰ The 21st century has seen the world get globalized and the use of soft power through economics and culture is the new strategy of influencing international agenda. Power today has morph sized into culture and trade.³¹

Nye reiterates that human culture has become an important component in the global stage, and therefore states are not, the only actors and determinants of national security as it used to be in the 16th, 17th, 18th and 19th century. Resource distribution matters today and it determines national security. Resource distribution can be a precursor to peace or war. States must therefore be alive to the fact that human interaction greatly influences and determines the existence of peace and security at all levels in the international system.³²

David Mitrany, observes that with the advent of globalization and multi polarity sovereign states are willing to integrate, cooperate and further interact more at both regional and international level. In as much as regional integration is anchored under regional trade, partner states have come to realize that without peace and security then trade cannot thrive. That is why economic blocs are extending their mandates from trade to regional peace and security organs as has been the case in ECOWAS and the EAC regional blocs.³³

Immanuel Kant concedes that democracies do not go to war, and that is why a big number of states are no longer interested in forging alliances to team up against a

²⁹ Ibid.

³⁰ J. S. Nye & R. O. Keohane, (2001). *Power and Interdependence*, Longman Publishing Group.

³¹ Ibid.

³² Ibid.

³³ D. Mitrany, (1975). *The Functional Theory of Politics*, London.

perceived enemy, neither are states interested in the formation of balance of power for protection. Today sovereign states are interested in a collective security arrangement whereby an attack on one means an attack against all.³⁴

Dubois asserts that civilized states have started thinking about peace and thus the call for international and regional organizations, which are able to develop regimes that can govern states. Civilized states perceive peace as freedom from fear, positive relation, presence of cooperation, absence of exploitation, element of equality, element of justice, freedom of action, and ultimately that peace is when there is social order but the stability of the order does not include violence.³⁵

John Ruggie and Stephen Krasm, emphasize that cooperation can best be guided by regimes. They both observe that regimes are decision making procedures, prevailing practices for making and implementing collective choices. They may either be formal or informal, formal regimes may be an outcome of legislation by an Inter-Governmental Organization. The EAC protocol on peace and security can therefore be referred as to being a formal regime.³⁶The study shall therefore be conceptualised through the non traditionalists lenses of securitisation whereby sovereign states mandate organizations to develop regimes and structures that can restore peace and security at national, sub regional, regional and international level.

1.8.4 Peace and Security Framework within an International System

World War I & II reaffirmed the traditionalist thinking of peace and security whereby the world experienced a full blown war between sovereign states. The First World War resulted in balance of power whereby sovereign states within regional blocs formed military alliance to enable them protect themselves against external aggression. The end of the second World War , on the other hand, eliminated the concept of balance of power

³⁴ I. Kant, (1795). *Perpetual Peace*, London: George Allen.

³⁵W. E. Dubois, (1935). *The Black Reconstruction of America*.

³⁶ J. G. Ruggie, (1998). *Constructing The World Polity: Essays on International Institutionalization*, New York: Routledge

and reintroduced the concept of collective security whereby an attack on one means an attack against all.³⁷

The end of World War II conceptualized the non-traditionalist thinking of security whereby incompatible values were fought through cold war. There was no military warfare during Cold war; however competitive economic and political ideologies denied the world peace. ³⁸United Nations which was given the responsibility of maintaining tranquility and order at the global stage was failing at its mandate due to selfish interests among the Security Council Member States that hold veto power. UN had failed in Conflict prevention and management, combating and suppressing piracy, sending peace missions to war-torn countries, the control of proliferation of small and illicit firearms and disaster management during the post-cold war period. ³⁹

Rwanda for instance, faced genocide in 1994 under the watch of the UN. Instead of UN intervening, the international organization instead withdrew her mission.⁴⁰ Somali on the other hand had turned into a failed state after the ouster of Siad Barre in 1991, UNISOM 1 the peacekeeping organization that had been sent to intervene in the conflict was overwhelmed and in 1995 the mission team withdrew from Somali, it was evident that UN was not in a position to securitize sovereign states that were either going through inter or intra-state conflict. ⁴¹

The Civil Wars came with a great refugee crisis a situation that has replicated itself during the recent Arab Spring. Europe can no longer handle the migration crisis along the Mediterranean Sea and there are fears that the refugee crisis in Europe posed by the Mediterranean migration may create a security complex situation in Europe, that explains why a good number of European States like Greece, Denmark and Sweden are not ready to play host to the refugees. UNHCR the UN agency charged with handling refugee crisis

³⁷ N. D. Palmer & H. C. Perkins, (2010), *International Relations*, 3rd ed. P. 238

³⁸ Ibid,

³⁹ E. C. Luck. (2003), *Reforming the United Nations: Lessons From a History In Progress*, United Nations Occasional Paper 3.

⁴⁰ APRM Secretariat, (2005), *Country Review Report on Rwanda*. Midrand.

⁴¹ *See, UN Report: UNISOM 1.

has been overwhelmed thus being forced to partner with Non-Governmental Organizations to address the situation.⁴²

Buzan Reiterates that the Global community is today compounded with terrorism as a phenomenon that has seen America and a good number of European States change their immigration and foreign policies. America was hit on 11 September 2001, through a well-coordinated attack by the al-Qaeda an Islamic terror cell. The terror outfit coordinated four attacks within the USA, targeting four major locations but majorly focusing on New York and eventually hitting hard on World Trade Centre and Times Tower.⁴³

Today a good number of Arab states are unstable due to the Arab spring and with the instability, more terror caliphates have emerged⁴⁴. The caliphates have emerged stronger and bolder perpetuating indoctrination all over the world amongst young people, UN and more so the Security Council has failed in squashing the caliphates, leaving the world exposed to terror acts.⁴⁵

International Conventions that govern peace and security have proven to be inept at regional and local level. The 1951 Convention on refugees has proven in a number of times and ways that it cannot handle the contemporary refugee crisis, member states like Kenya, have proven that their domestic policies are superior to the International Convention by locking down the Dadaab and Kakuma refugee camps, the European States like Denmark, Sweden and Greece have completely acted in disregard to the charter by deporting back refugee's and asylum seekers.⁴⁶

Waever reiterates that Chapter 6 and 7 of the United Nations stands to address the agenda of peace and security within the globe, whereby chapter 6 talks about the use of peaceful settlements of dispute whereas chapter 7 authorizes the use of force whenever pacific

⁴² *See, EU & UNHCR Report (2016):

⁴³ http://www.geest.msh-paris.fr/IMG/pdf/Security_for_Buzan.mp3.pdf

⁴⁴ C. O. Okwany, (2016). *A Contribution to Insecurity*. University of Nairobi.

⁴⁵ B. Buzan, (2008) *People, States and Fear*.

⁴⁶ Ibid.

means of settling disputes fail.⁴⁷ It is so unfortunate that the Security Council member states have in many at times resorted to the politicization of situations rather than securitization of the situation at hand. The USA, for instance, legitimized the use of Chapter 7 against Iraq for their own national interest, securitization cannot be full filled by breaking the rules.⁴⁸

Ramesh Thakur depicts that UN security structure had to be transformed from collective security to Responsibility to Protect (Rp2). Collective Security was a traditionalist approach that mainly focused on protecting the state from external aggression through a war, collective security, therefore, focused more on the state rather than the human life, it is upon that backdrop that the UN restructured its security architecture to focus on protecting human life and thus the development of Rp2. Responsibility to protect is important because it shall address the humanitarian situation, mainly protecting civilians from combatants. If Rp2 is fully implemented then atrocities such as genocide will be unheard of.⁴⁹

Post-Cold war effects were so many that UN could not handle regional and national phenomenon and it is upon that backdrop that the UN encouraged the development of continental and regional organizations to address regional and local security concerns. UN was finding difficulty in operationalizing its peace and security policies at regional and local level. Many at times they were forced to withdraw their peacekeeping missions due to hostility and xenophobic attacks from local belligerents like were the case in Somali in 1995 among many other regions. However, some of the peace and security policy frameworks worked so well and realized full operationalization, sanctions for that matter ensured that arms embargo were effected in war-torn countries, thus reducing the propensity of war.

⁴⁷ United Nations (1945). *UN Charter*, San Francisco.

⁴⁸ M. Dixon. (2007), *International Law*, Cambridge: Oxford.

⁴⁹ R. Thakur, (2011), *The Responsibility to Protect: Challenges and Opportunities in light of the Libyan Intervention*.

1.8.5 Peace and Security at Regional Level

Each region has a particular organization that is charged with the responsibility of managing regional conflict. The study at this juncture therefore wants to review, African Peace and Security Architecture (APSA), Association of South East Asian Nations (ASEAN), Economic Community of West African States (ECOWAS), and East African Community (EAC).

1.8.6 The Role of African Peace and Security Architecture in Africa

African as a continent has been marred by security challenges. The continent has experienced both military and non-military threats to security. The UN in its attempt to securitize Africa faced a lot of challenges due to the dynamism and mutating nature of African security challenges, which made it difficult for the international organization to mitigate.⁵⁰ It was upon that backdrop that the African Union resorted to the philosophy of African Solutions for African Problems and therefore in the quest to securitize Africa, the AU realized the need to institutionalize an agency that shall fully securitize Africa.⁵¹ To walk the talk, AU established APSA African Peace and granted it full autonomy to manage Africa's security.⁵²

APSA was therefore adopted in 2002 through a peace and security protocol that later came into full operationalization in 2003. APSA has the following structural framework; the Commission, the Panel of the Wise, the Continental Early Warning Systems, the African Standby Force, and the peace fund. Besides those structures, APSA sole mandate is to advise the AU through the peace and Security Council with the full intent of promoting peace, security, and Stability in Africa.⁵³

APSA, therefore, has a mandate to; early warning and conflict prevention, peacemaking, peace support operations, peacebuilding, post-conflict reconstruction, promotion of democratic principles, good governance, and respect for human rights, humanitarian

⁵⁰ P. H. Justin.(2015), *Modern African Studies, Vol. 54*

⁵¹ AU Secretariat, (2013). *Agenda 2063, "all guns in Africa should be silent by 2020."*

⁵² *See, AU Secretariat (2002), *The Peace and Security Council: African Peace and Security Architecture*

⁵³ Ibid.

action, and disaster management.⁵⁴ Since the development of APSA, some good measures towards securitizing Africa have been seen. Today AU is able to send peacekeeping mission troops in African war torn countries. African Union Mission in Somali (AMISOM) is doing tremendous work in Somali and has ensured stability unlike United Nation Mission in Somali (UNIMIS 1) that failed and opted to pull out.⁵⁵

AMISOM's entry into Somali reaffirms Palmer's statement that regional arrangements could conceivably be an important part of a broader collective security system. Regional arrangements are important because their intervention into a conflict is always perceived to have been triggered by a brotherly concern, unlike international intervention that is always mistaken for intrusion or rather an invasion. It is, therefore, evident that where international principles cannot apply then regional and domestic measures can always work out.⁵⁶

APSA was quick to resolve the Ebola crisis in Liberia, by requesting AU member states to offer their medics into Liberia and through such a call. AU member states responded very quickly by sending their medics to the Liberia. APSA ensured that the virus did not spread across the region and upon its mitigation APSA released a contingency plan through training different medics from other regions on how to deal with Ebola.⁵⁷ APSA has played a great role in providing early warning sign towards an impending conflict. That was so in Central Africa Republic and Burundi, however the challenge has been how APSA intervenes despite issuing the alerts. Burundi for instance rejected AU peacekeeping missions and instead reiterated that Burundi was politically stable and there was no need for humanitarian assistance from AU.

National sovereignty has posed a great challenge in allowing APSA realize its full mandate. APSA has not been able to operationalize its full mandate because whenever they want to deploy their troops the concerned country rejects and issues an alert that AU

⁵⁴ Ibid

⁵⁵ APSA Commission, (2010). *2010 Assessment Study*, Zanzibar.

⁵⁶ <http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>

⁵⁷ *See, *African Journal* (2014/15)

is threatening their National Security and therefore any deployment shall be met with full force. Sovereignty of AU member states has therefore derailed APSA's operations in the quest to achieve peace and security.⁵⁸

In as much as APSA has been able to establish a Stand by Force, it has failed in operationalizing regional Brigades as was envisaged in the Maputo Report 2003. The report emphasized that APSA should ensure that each AU region has a Stand by Brigade to cement the African Stand by Force. APSA's ability to resolve a number of peace and security challenges within Africa reaffirms Buzan's statement that securitization can take three different levels, mainly being international, regional and the national level. When a comparative analysis is done at what AMISOM is doing in Somali and what UNIMIS 1 & 11 did in Somali then credit must be given to AMISOM. Credit is being given to AMISOM not because its powerful but because of its ability to understand local dynamics and the gesture of good neighborliness that it is extending to Somali.⁵⁹

However in as much as APSA has made great strides in trying to ensure that peace and security is realized in Africa, its full success can only be realized when regional blocs within Africa take up the responsibility of securitizing their regions.

1.8.7 Peace and Security Arrangement at a Sub Regional Level

1.8.7.1 Association of South East Asian Nations

The organization was founded in 1967 in Bangkok Thailand, it had five regional members namely Indonesia, Malaysia, Philippines, Thailand, Singapore and others that later joined include Vietnam, Cambodia, Brunei, and Burma.⁶⁰ The organization was established for collective internal security, aimed at creating regional partnership for conflict management in very delicate political systems. It was also established to discourage external adventurism against each other; this would ensure that internal political disorder would be prevented from spreading and contaminating the body by the neighboring states.

⁵⁸ M. J. John. (2001), *The Tragedy of Great States*, p. 105. "Cooperation Among States."

⁵⁹ <http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>

⁶⁰ *See, Constitutive Act (1967), *Association of South East Asian States*. Bangkok.

It was also formed to accelerate economic growth, social progress and cultural development. In order to enhance security the Member States agreed to be bound by the principle of UN Charter, hence the members of the organization are driven by the principle of non-interference on the activities of others, the right of states to exist without subversion or coercion by external states, mutual dependence, national identity and territorial integrity of all members, pacific dispute settlement mechanism, effective cooperation and resort to the use of minimum force where need be.

The organization has achieved relative success to the extent that regime security of Member States depends on the security of the whole region, this means their convergence in security predicament and regional security hence the Member States cooperate and coordinate to preserve security within their borders, the states have similar perception, similar regime ideology, and for such reason the organization has been treated as a sub-regional rather than regional.⁶¹

1.8.8 ECOWAS Peace and Security Structure

Steven Gruzd posits that ECOWAS has proven that security can best be handled at a sub-regional level. ECOWAS realized that Peace and stability is a pre requisite for economic growth and development in the region; it was upon that realization that the Economic Community of West Africa decided to extend its mandate in ensuring that peace and security were realized.⁶²

It is, however, good to note that ECOWAS Peace and Security Architecture was developed during the cold war period and that was in 1978 to be precise. At that time West Africa had been grappled with a lot of political instability arising from the ECOWAS member states, inter and interstate conflict was the order of the day.⁶³

⁶¹ P. Perkins (2010), *International Relations*, p. 431.

⁶² S. Gruzd, (2014). *The African Peer Review Mechanism: Development Lessons From Africa's Remarkable Governance Assessment System*, Johannesburg: SAIIA.

⁶³ J. M. Kabia. (2011), *Regional Approaches to Peace Building: The ECOWAS Peace and Security Architecture*, Birmingham.

At the time of the formation of the protocol, traditionalist thinkers said that the protocol was an idealist and therefore it could not address the security challenges in the sub-region. Pessimists said that the protocol was a mere paperwork because it lacked an institutional framework, but thanks to their criticism because it enabled the protocol to institutionalize itself.⁶⁴ In 1981 ECOWAS member states developed a protocol on Mutual Assistance on Defence that tasked ECOWAS member states to give mutual aid and assistance for defense against any armed threat or aggression aimed at ECOWAS member states. The Mutual Assistance Defense was accused of not focusing on intrastate conflict but to a larger extent the Mutual Assistance Defense was accused of protecting the incumbency from foreign intervention in the case of political instability.⁶⁵

The year 1989 proved a critical stage for ECOWAS to prove its transition from an economic community into a peace and security architecture. Liberia was in crisis and the international community to other regional organization was not ready to intervene in the crisis because of the hostile rebel groups being led by Charles Taylor.⁶⁶

Since pacific means of resolving the civil war had failed, ECOWAS deployed a cease-fire monitoring group commonly referred to as ECOMOG, the deployment being a success ECOMOG was later redeployed in Sierra Leone and thwarted a coup detat that had been staged against President Kabbah. In 1998 ECOMOG was to later resolve a mutiny that had arisen in Guinea-Bissau. And in 2003 ECOWAS sent a peacekeeping mission to the Ivory Coast.⁶⁷

Critics have reiterated that ECOWAS has consistently used the fire brigade mentality whereby they only appear when there is a fire outbreak and after quelling the fire they walk away. ECOWAS was therefore blamed for failing to dress the humanitarian situation in all the countries that they intervened into, well ECOWAS has responded to its

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ APRM Secretariat, (2017), *Country Self-Assessment Report*, Midrand.

⁶⁷ *See, <https://peaceaccords.nd.edu/provision/regional-peacekeeping-force-lom-peace-agreement>

critics by saying that they act on limited logistical support; in fact, their peacekeeping troops have in many at times shared their food with the civilians.⁶⁸

ECOWAS Peace and Security protocol calls for the respect and observation of human rights and that is why all ECOWAS member states refused to offer Charles Taylor asylum but instead handed him to the International Criminal Court.⁶⁹ To prevent further conflict ECOWAS member states accepted to a Moratorium Convention on Small Arms proliferation and Border Crimes. By ECOWAS member States acceding to the convention shows their commitment to ensuring that they do not endure a security complex scenario.

The ECOWAS peace and security protocol have a number of agencies namely; the mediation and security council, the early warning and response network, the standby force, conflict, and prevention framework. All the above structures have specific roles to play, however, the mediation and Security Council is the most powerful because it hosts Heads of States and Government, Ministers of Foreign Affairs, and Ambassadors. The council deliberates and makes serious decisions on peace and security; they determine deployment of peacekeeping missions.⁷⁰

Membership to the Mediation and Security Council is rotational and upon selection, the nine member states seat at the council for a period of two years with no permanent seats. Ambassadors and Defense chiefs act as the technical team to the mediation and Security Council. The ECOWAS standby force has around 6500 soldiers from the member states and has the capability of being deployed within 14 days.⁷¹

However, it is good to take note that before ECOWAS deploys its troops it must alert and receive authorization from AU and UN.⁷² It is also good to be cognizant of the fact that ECOWAS does not only enforce peace and security through traditional means of

⁶⁸ Ibid.

⁶⁹ International Criminal Court (1998), *The Rome Statute*, Netherlands.

⁷⁰ ECOWAS, (1981), *Protocol on Peace and Security: Mutual Assistance on Defense*.

⁷¹ Ibid.,

⁷² *See, Sierra Leone; *OAU Supports ECOWAS Resolution on Sierra Leone*, "Africa News, May 13.

deploying the military, but they also have nonmilitary means of resolving conflict and basically that is the use of sanctions. ECOWAS also deals with cross-border initiatives and natural resource governance. ⁷³John Kabia posits that the recent development by ECOWAS to intervene in Gambia's political intrigues is a show that ECOWAS peace and security architecture is rooted in the African Union Charter on Democracy, Elections and Good Governance. ⁷⁴

ECOWAS ability to handle conflict within the West African Region is a manifestation that sub-regional systems have the ability to promote and ensure that the world realizes peace and security. What ECOWAS needs is a full commitment from the member states by honoring their financial dues and domesticating subsequent peace and security policy frameworks that are already in place. If that is adhered too then ECOWAS shall not need external donor support.

1.8.9 South African Development Corporation Peace and Security Framework

South African Development Cooperation was formed in 1980 at a conference organized by the South African States. They came together, to deal with Apartheid in the region and the conference was to reduce the members economic and transportation dependence on S.Africa, to coordinate foreign aid and investment in the region. Which certainly was in relation to change politics and in the next decade the membership began bargaining for the next treaty. In August 1992 the member states were about 10 and S.Africa was meant to join in 1994 whereas Mauritius joined in 1995. ⁷⁵

Their treaty is concerned with joint economic, environmental and peace security matters. In as much as SADC had an economic angle, peace and security were majorly discussed, out of the discussions an SADC security substructure was formed leading to a committee on Security and defense. The committee was meant to meet regularly. Namibia's independence led to a more formal security framework touching on solidarity and regional cooperation. Diplomacy was upheld as a means of promoting peace and security

⁷³ *See, *Sierra Leone, (2000) ; ECOWAS sends troops to Sierra Leone, "Africa News, May 29.*

⁷⁴ *See, AU(2007), *Charter On Democracy, Elections and Good Governance,*

⁷⁵ Constitutive Act, (1980). *SADC.*

in the region. However, it is good to note that the SADC peace and security framework is a bit frail.

1.8.10 The East African Peace and Security Protocol

The EAC member states came to realize that socio-economic development is determined by the availability of peace and security. And therefore planning on economic integration without securitizing the region was going to be a zero sum game. Growth and development can only be realized when the region is peaceful and the partner states are living harmoniously. It was upon that backdrop that in the year 2013 the EAC member states developed the peace and security protocol.⁷⁶

The protocol was developed to curb, cattle rustling, terrorism, transnational crime, refugee crisis, the proliferation of illicit firearms, disaster management, peace support mission, genocide, and to suppress piracy. The security phenomenon within the EAC region can best be handled at a sub-regional level.⁷⁷ In the year 1994 Rwanda, a member of the EAC experienced a genocide that saw almost a million people murdered within 100 days. The international community watched as the Hutu's attacked the Tutsi, there wasn't any form of serious intervention from external forces, and therefore it took the intervention of RPF to stop the Genocide from escalating.⁷⁸

Andrea Redmond reiterates that it's upon that backdrop that the EAC protocol on peace and security addresses genocides under Article 5, the article reiterates that partner states have to work jointly in the prevention of genocide. Article 1 of the protocol further defines "genocide as acts committed with intent to destroy, in whole or in part a national ethnical, racial or religious group as such killing members of the group or even causing bodily harm."⁷⁹ Were it that EAC had a peace and security protocol by then, it would have been easier to prevent the genocide from escalating as was the case in Liberia and Sierra Leon when ECOWAS intervened by sending ECOMOG.

⁷⁶ EAC Secretariat (2013). *The Protocol on Peace and Security*.

⁷⁷*See, EAC protocol on Peace and Security, *Article 1*.

⁷⁸ A, Redmond, (2012). *Rwanda INC*, New York: Macmillan.

⁷⁹ Ibid, p. 6

The EAC protocol was called for because it has been tailor made to address sub-regional issues such as cattle rustling that may not be relevant at an international or regional arena but yet they are a breach of peace and security. For Instance, Kenya and Uganda have for so long faced ethnic border crime through cattle rustling. President Yoweri Kaguta Museveni has constantly complained that the Pokot from Kenya has been stealing Ugandan cattle's from the Karamajong.⁸⁰

The EAC protocol on peace and security interprets terrorism as any act which violates the criminal laws of a partner state and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to cause fear or harm.⁸¹

And therefore the post-cold war period saw the EAC region get exposed to terror attacks and in 1998 Kenya, Uganda and Tanzania were attacked simultaneously. In as much as the attacks were geared towards the USA the ripple effect was felt within the EAC region. In 2010 Kenya and Uganda were again simultaneously attacked, by the Al-Shabaab leaving Uganda with the biggest casualty of 74 deaths and 70 injured persons.⁸² The attacks by Al-Shabaab were a retaliation of the EAC member states sending their troops into Somali through AMISOM.

It is upon that backdrop than that the Protocol addresses terrorism under article 6 which states that the EAC member states shall jointly formulate strategies and mechanism for the operationalization of counter-terrorism measure. The five EAC member states namely Uganda, Burundi, Tanzania, Rwanda, and Kenya have ratified the peace and security protocol, however, the full operationalization of the protocol is yet to be realized. The protocol is barely three years old and that explains why its impact is yet to be felt within

⁸⁰ *See, President Museveni Speech during the Inauguration of President Jomo Kenyatta. (2013)

⁸¹ Ibid, Article 1.

⁸² <http://www.longwarjournal.org/wp-content/uploads/2016/06/2016-State-Department-Country-Report-on-Terrorism.pdf>

the region. More about the protocol shall be discussed in subsequent chapters two, three and four.

The study can therefore sum up the literature review by stating that security challenges have mutated over time and that is why Sovereign States prefer coalescing at a sub-regional level to develop regimes that can resolve security challenges.

1.9 Theoretical Framework

1.9.1 Realism

The study is mainly going to use and adopt Realism as a theory. The theory shall play the primary role in the study whereas constructivism and functionalism shall play the secondary role to evaluate the various components of the study.

Realism is a theory that describes states behavior, it enables international relations Practitioners to understand why states behave the way they do. Realism reaffirms that states are selfish and egoistic by natures, sovereign states are always geared towards achieving absolute gains at the behest of relative gains whereby a win win scenario can be achieved. ⁸³Realism reiterates that Sovereign States should be the main actors in the security framework and therefore non state actors should concentrate on societal factors. Securitization is a political process that only sovereign states can handle not International nor Regional organizations.

Realists affirmatively postulate that human beings are cunning and evil by nature, that is why sovereign states develop policies and laws to govern individuals, realists further reiterate that acts of genocide and refugee crisis can only be linked to failed state and therefore the panacea to that should not be to develop cooperation among states, but instead the weak states should resort to the use of force to squash the phenomenon. ⁸⁴ Realists explain why it is difficult to operationalize regimes at a national level, and the simple answer to that is that States are egoistic by nature and driven by selfish interest,

⁸³ H. Morgenthau & K. W. Thompson. (1948), *Politics among Nations*, Mc Graw Hill.

⁸⁴ Plato, *The Republic*.

states cannot abide to policies that provide comparative advantage to their neighbors and competitors. It is therefore for such reasons that the EAC protocol on peace and security is facing operationalization challenges.⁸⁵

The Stug Hunt story explains why sovereign states cannot rally around a regional cooperation, as the other five are busy trapping the Stug, when a hare comes by definitely one State shall pounce on it feed and leave the rest still trapping the Stug. That simply explains that once a state has achieved her national interest she can no longer pay fidelity to the cooperation.

1.9.2 Functionalism

Functionalism provides the essential basis for an understanding of much of the 20th-century integration and cooperation. The works of David Mitrey on “a working peace system” greatly influence subsequent efforts to develop theories on Integration.⁸⁶ According to David Mitrey, the world of the 20th century has been characterized by a growing number of technical issues that could be resolved only by cooperative action across state boundaries. Such issues whether within or among states would be addressed by highly trained specialists or technicians rather than politicians.⁸⁷

Mitery held that the emergence of technical issues could lead to perceived need for collaborative action devoid of political or conflictual content and thereby assigned to technical experts whose world view and approach would be based essentially on non-political consideration.⁸⁸ Pressing common problems could be addressed outside the politicized content of nationalism. By emphasizing cooperation in order to find solutions according to specific needs. Cooperation would enhance the incentive for cooperation in other fields what he refers to as ramification. That basically is cooperation in one field leading to cooperation in others.

⁸⁵ Ibid.

⁸⁶ D. Mitrany, (1975), *The Functionary Theory on Politics*.

⁸⁷ Ibid.

⁸⁸ Ibid

Through cooperation mutual expectation can be set, rules and regulations established around an issue area like peace and security to diminish prospects for war and other forms of violence or conflict. From functional cooperation would then come the need for international institutions in the form of organizations and international regimes based on multilateralism? Integration leads to regional cooperation commonly referred to as regionalism. Regional cooperation in African governments has had a long history since the formation of OAU.⁸⁹ African cooperation was a call for homegrown solution to specific political, economic and social issues. Regional cooperation was the only way to respond to present issues and needs.

Keohane and Nye argue that states will share an interest to build international and regional institutions to facilitate cooperation and therefore traditional means of measuring power such as the use of military will reduce and become less valuable since states are interested in establishing regimes to promote socialization that is issue based.⁹⁰

1.9.3 Constructivism

Constructivism is a new theory that was developed by Jean Piaget who focused on human behavior and their cause for action. Jean focusses on human development and his belief is that when a child is born nobody knows what kind of an individual the child shall turn into. Constructivism can, therefore, be used to analyze terrorism, cattle rustling, and genocide that are largely perpetuated by human beings. Constructivism shall, therefore, help the researcher study the non-military means that are a hindrance to peace and security.⁹¹

Wendt explains that the international system is getting complex day by day and sovereign states are not acting independently to provide national security, non-state actors are a component of the security architecture. Wendt goes further to state that relations among states are not only driven by power struggles and national interests but it is also a

⁸⁹ OAU, (1963). *Constitutive Act*, Addis Ababa.

⁹⁰ R. O. Keohane & J. S. Nye. (2001). *Power and Interdependence*, Longman Publishers.

⁹¹ H. B. Ernst. (1991), *When Knowledge is Power: Three Modes of Change in the International Organization*, Berkely: University of California Press.

platform for agenda setting. Whereby Ideas are shared with an aim of developing regimes. It is therefore important to note that while states, culture and civilizations matter in equal measure. The two might clash agree or conflict, but ultimately produce new ideas. It is therefore important to note that the powers of knowledge and ideas can contribute positively or negatively to peace and security architecture. Cold war was an ideological warfare that introduced democracy, liberalized markets and capitalism.⁹²

Liberalized markets introduced new threats to the security framework through transnational and border crimes. Constructivism shall therefore enable the study to evaluate smuggling of goods, human trafficking, intellectual property piracy, illegal immigration, and illicit drug trafficking that have compounded the EAC region.

1.10 Methodology

There are three types of research procedures namely; qualitative, quantitative and mixed research method. All the three procedures can be used for data collection and analysis.⁹³

The study shall however appreciate qualitative approach due to its inductive nature of generating research knowledge. Inductive knowledge shall enable the study to examine, describe, and understand the peace and security phenomenon in the EAC region. Constructivism prescribes that qualitative method is the best means to investigate behavioral science because it has the ability to unearth and explain emerging issues.⁹⁴

1.10.1 Data Collection Procedures

The study is therefore going to conduct direct interviews as the primary means of collecting data.⁹⁵ The interviews shall focus on individual technocrats and academicians, inter-governmental organizations, and Non-Governmental Organizations that deal with peace and security in the EAC region. Focus group discussions on the other hand shall be organized at the University Of Nairobi Conference room IDIS department. Special

⁹² C. Ian. (1999), *Globalization and International Relations Theory*, Oxford: Oxford University Press.

⁹³ N. Golafshani, (2003). *Research. "Qualitative Studies Focus on Community Engagement"*

⁹⁴ M. Mugenda. (2003). *Research Methodology*.

⁹⁵ Ibid.

individuals and organizations shall be invited and later be open to the public for those who wish to share their views on the protocol.

Non probability means shall be deployed when conducting the interviews that shall be so because the protocol is a new document that very few people understand. Adopting a probability approach shall therefore mislead the research because a good number of respondents may react to a document that they are not privy to the details. Non probability means is appropriate because it enables the study get the right respondents whom can give concrete response. A good number of interviews shall be direct however where need be the researcher shall make phone calls.

The study shall also use secondary means of data collection, whereby the researcher shall visit libraries and other secondary resource centers like departmental archiving centers within government and non-governmental organizations. The researcher shall also analyze various reports that have been released by international and regional organizations as regards to peace and security in the EAC region. Qualitative method also allows the researcher to use his judgment and observation to draw conclusions.⁹⁶

1.10.2 Population Sample

The study shall focus on individuals from the EAC member states to avoid getting biased opinions. The researcher shall ensure that all his respondents are drawn from the five EAC member states and that's shall be ensured through non probability means of profiling respondents nationalities. That shall not be limited to individuals but organizations too, well for organizations the yard stick shall be that they must have presence in at least three of the EAC Member States.⁹⁷

Due to limited time and financial resource the researcher shall settle on 50 respondents for the interviews. Among the 50 respondents, each EAC member state shall attract 10 respondents, meaning that every member state shall get a representation of ten

⁹⁶ B. Berg. (2001). *Research Methods*.

⁹⁷ Ibid.

respondents. Because targeted organizations are transnational the study shall settle on 20 organizations. The views drawn from the respondents shall be presented through a pie chart to reflect on overall views whereas a histogram shall be used to determine national views among the 10 respondents from the five countries. Qualitative means has the capacity to interpret, unravel underlying and in-depth issues that are prescribed in the protocol.⁹⁸

1.11 Scope and Limitations of the Research

The study will target EAC Member States, which have acceded to the protocol. The study will go further to evaluate inter-governmental organizations that have been tasked with the responsibility of ensuring that the protocol is full realized. The study shall want to know what pushed the EAC Member States to develop the protocol and how many of the EAC Members States have fully entrenched the protocol into their national security structures. The study shall focus on all the articles enshrined in the EAC protocol on peace and security ranging from article 1 up until article 20 that determines the protocols entry into force. The limitations to the study are time and financial constraints, the researcher shall not travel to all the EAC Member States due to time and financial constraints.

The other limitation to the study is that the study shall not enjoy full disclosure of security documents from government and inter-governmental institutions due to the classified. National Security documents and information have always been held with a lot of secrecy due to their sensitive nature. The study shall therefore not enjoy their full disclosure.

1.12 Chapter Outline

Chapter one shall entail the research proposal which will include the Introduction, Background, Research Problem, Objectives, Research Question, Hypothesis, Justification of the Study, Literature Review, Gaps within the Literature Review, Summary, Conceptual Framework, Research Methodology, Scope and Limitation of the Research.

⁹⁸ Ibid.

Chapter two shall broadly look at regional economic communities and their engagement with peace and security matters.

Chapter Three shall then proceed to assess the Protocol and its operationalization.

Chapter four shall critically analyze options for enhancing the operationalization of the protocol on peace and security within the EAC member states.

Chapter five shall be the final chapter and it shall give a summary, conclusion and ultimately give recommendations from the study.

CHAPTER TWO: REGIONAL ECONOMIC COMMUNITIES AND THEIR ENGAGEMENT WITH PEACE AND SECURITY MATTERS

2.1 Introduction

Maintenance of global peace and security through collective efforts of states and establishment of formal international law can be traced to the Westphalia treaty of 1648 which defined international society as consisting of sovereign independent nation states. The congress of Vienna in 1815 after the end of the Napoleonic wars was significant in defining common interests of states and in elaborating measures against their encroachment. The congress of Vienna was also the first to elaborate and safeguard the rights of non-state actor's in particular individual human beings by outlawing slavery and slave trade.

The Versailles treaty of 1919 at the end of the 1st world war expanded the scope of the notion of common interests of the international society by recognizing the right to self-determination and establishing the League of Nations as the mechanism for safeguarding common interest in a more regular manner rather than in exceptional circumstances⁹⁹.

The adoption of the UN charter is the latest step in the evolution of the international society in identification of collective interest, institutionalizing and safeguarding those interests. The UN charter has legitimized the UN as the main promoter of collective good and maintainer of international peace and security¹⁰⁰.

The United Nations Security Council (UNSC) is tasked with the key responsibility of maintenance of peace and security globally and it is deemed to act on behalf of the UN member states. Regional arrangements may be utilized by the UNSC for the purposes of maintenance of Peace and security as provided for in chapter VIII of the UN Charter¹⁰¹. Barry Buzan's analysis on key approaches to international security analysis relegates both the globalist and Neo realist's approaches and instead privileges the regionalist

⁹⁹ Alexander orakhelashvili, Legal Aspects of Global and Regional international Security, <https://nato.int/acad/fellow/98-00/orakhelashvili.pdf>.

¹⁰⁰ Alexander orakhelashvili, Legal Aspects of Global and Regional international Security, <https://nato.int/acad/fellow/98-00/orakhelashvili.pdf>.

¹⁰¹ UN Charter, chapter VIII

approach as being the key area of focus in international security. He criticizes the neo realist approach as not only being overly state centric but also being narrow by only focusing on the global level. The globalist approach is criticized for its over emphasis on deterritorialization whereas states remain the key actors in securitization processes¹⁰² By borrowing from both the Neorealist and Globalist perspectives on the structure and ignoring the globalist deterritorialization while maintaining the increased importance of non-state actors, he puts forth a regional approach which emphasizes regions as being the modern centers for securitization processes.

The case for the regions is advanced that after the end of the cold war world, the regional level has gained more prominence as the locus of conflict and cooperation for states¹⁰³ . That this reality is based on two reasons; one, that the decline of super power rivalry has reduced the penetrative quality of power interests in the rest of the World¹⁰⁴ and secondly that most great powers in the post-cold war world are now “lite Powers”¹⁰⁵.

Buzan further argues that the domestic dynamics of these once powerful states have pulled them away from military and security engagements and strategic competition in the most conflicted parts of the world, leaving local states and regional organizations to find local solutions to their military and political problems with less interference from great powers. He further argues that whereas regional security was important even during the cold war period, the global powers were extremely dominant.

The trend toward regionalism and regional arrangements is one of the most important developments in modern international relations. The trend is partly out of the need for states to pool resources together for protection in a more often than not divided and war prone world and also due to other factors such as globalization which have acted to increase interdependence and togetherness among nations.

¹⁰² Barry Buzan, Ole Waever, *Regions and powers; The structure of the International security*

¹⁰³ Lake & Morgan, 1997 6:67

¹⁰⁴ Stein & Lobell 1997 ; 119-120, Lake & Morgan, 1997

¹⁰⁵ Buzan & Segal

Africa as a continent has been marred by security challenges. The continent has experienced both military and non-military threats to security. The UN in its attempt to securitize Africa faced a lot of challenges due to the dynamism and mutating nature of African security challenges, which made it difficult for the international organization to mitigate.¹⁰⁶ It was upon that backdrop that the African Union resorted to the philosophy of African Solutions for African Problems and therefore in the quest to securitize Africa, the AU realized the need to institutionalize an agency that shall fully securitize Africa.¹⁰⁷ To walk the talk, AU established APSA, granting the agency full autonomy to manage Africa's security.¹⁰⁸

APSA) was adopted in 2002 through a peace and security protocol that later came into full operationalization in 2003. APSA has the following components in its structural framework; the Commission, the Panel of the Wise, the Continental Early Warning Systems (CEWS), the African Standby Force (ASF), and the Peace Fund. Besides those structures, APSA sole mandate is to advise the AU through the peace and Security Council with the full intent of promoting peace, security, and Stability in Africa.

Amongst the listed components the CEWS and ASF have so far been fully operationalized and proven their relevance within Africa's peace and security architecture. The CEWS has been able to raise alarms and bring to the attention of AU on impending conflicts in Central African Republic and Mali that through ASF quick interventions were made in the two AU member states.

The panel of the wise and the peace fund are yet to realize their full potential, more so the peace fund that has so far not raised or attracted substantial funding from the AU member states forcing the component to fully rely on donor funding. For instance from the year 2004 – 2010, contributions from the AU member states to the peace fund amounted to an average of 1.95% of the total resources mobilized.¹⁰⁹ Finance is a very key component in

¹⁰⁶ P. H. Justin.(2015), *Modern African Studies*, Vol. 54

¹⁰⁷ AU Secretariat, (2013). *Agenda 2063*, "all guns in Africa should be silent by 2020."

¹⁰⁸ *See, AU Secretariat (2002), *The Peace and Security Council: African Peace and Security Architecture*

¹⁰⁹ APSA, (2010). *Self Assesment Report*. Addis Ababa.

peace keeping operations for if not availed then the operations cannot be sustained; APSA should therefore work tirelessly to ensure that the peace fund is always oiled.

The Panel of the Wise on the other hand is yet to realize any achievement on its role since there seems to be a duplication of its role with the Peace and Security Council since the relationship and the roles of these two components of APSA seem to be overlapping. It is therefore evident that the relationship between the Panel of the Wise and the Peace and Security Council need to be addressed by clearly marking out their roles and responsibilities.

Calls have also been made that the staffing and membership of the PSC does not meet the required standards. AU member states have turned the PSC into a club to reward and appoint retired political elites, which greatly affects the functionality of APSA. The slow pace at which the PSC makes decisions is a proof of the bureaucratic tendency that the old guards have introduced into the Architecture.

Badmus reiterates that APSA is more theoretical than practical, and does not provide for certain challenges such as natural disasters or counterinsurgency or counterterrorism. Equally, the APSA's original framework has not considered important security challenges such as those related to environmental degradation, organized crime, health pandemics and maritime insecurity.¹¹⁰ APSA, therefore, has a mandate to; early warning and conflict prevention, peacemaking, peace support operations, peacebuilding, post-conflict reconstruction, promotion of democratic principles, good governance, and respect for human rights, humanitarian action, and disaster management.¹¹¹ Since the development of APSA, good measures towards securitizing Africa have been realized. Today AU is able to send peacekeeping mission troops in African war torn countries. African Union Mission in Somali (AMISOM) is doing tremendous work in Somali and has ensured stability unlike United Nation Mission in Somali (UNIMIS 1) that failed and opted to pull out.

¹¹⁰ Badmus, *Moder African Journal*.

¹¹¹ *Ibid*

AMISOM's entry into Somali reaffirms Palmer's statement that regional arrangements could conceivably be an important part of a broader collective security system. Regional arrangements are important because their intervention into a conflict is always perceived to have been triggered by a brotherly concern, unlike international intervention that is usually mistaken for invasion or intrusion. It is, therefore, evident that where international principles cannot apply then regional and domestic measures can always work out.¹¹²

APSA was quick to resolve the Ebola crisis in Liberia, by requesting AU member states to offer their medics into Liberia and through such a call. AU member states responded very quickly by sending their medics to the Liberia. APSA ensured that the virus did not spread across the region and upon its mitigation APSA released a contingency plan through training different medics from other regions on how to deal with Ebola.¹¹³ National sovereignty has posed a great challenge in allowing APSA realize its full mandate. APSA has not been able to operationalize its full mandate because whenever they want to deploy their troops the concerned country rejects and issues an alert that AU is threatening their National Security and therefore any deployment shall be met with full force.¹¹⁴ Sovereignty of AU member states has therefore derailed APSA's operations in the quest to achieve peace and security.¹¹⁵

In as much as APSA has been able to establish a Stand by Force, it has failed in operationalizing regional Brigades as was envisaged in the Maputo Report 2003.¹¹⁶ The report emphasized that APSA should ensure that each AU region has a Stand by Brigade to cement the African Stand by Force. APSA's ability to resolve a number of peace and security challenges within Africa reaffirms Buzan's statement that securitization can take three different levels; international, regional and the national level. When a comparative analysis is done at what AMISOM is doing in Somali and what UNIMIS I & II did in Somali then credit must be given to AMISOM. Credit is being given to AMISOM not

¹¹²<http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>

¹¹³ *See, *African Journal (2014/15)*

¹¹⁴ Burundi is a classic example whereby the incumbent has completely refused to allow ASF intervention.

¹¹⁵ M. J. John. (2001), *The Tragedy of Great States*, p. 105. "Cooperation Among States."

¹¹⁶ African Peace and Security Architecture, (2010). *Self-Assessment Report*. Addis Ababa.

because its powerful but because of its ability to understand local dynamics and the gesture of good neighborliness that it is extending to Somali.¹¹⁷

APSA has so far made great strides in trying to ensure that peace and security is realized in Africa and around the globe, its potential can only be realized when regional blocs within Africa take up the responsibility of securitizing their regions.

2.2 Sub-Regional Peace and Security Architecture

The continued peace and security challenges facing Africa can only be resolved if sub regional organizations take it upon themselves to provide mitigation measures. AU in many occasions through pan African peace and security reports has been urged to strengthen its linkages and relationship with Regional Economic Communities (RECs) because the sub-regional entities have the potential to intervene, pacify and mitigate in conflict situations because they can understand the conflict dynamics. For instance the entry of Uganda and Kenya in the AMISOM peace keeping troop acted as a game changer to the conflict situation in Somali first because most the troops had a clear understanding of the geopolitics of the region, and second, the belligerents viewed and perceived their call for intervention as a gesture of good neighborliness. Where being partner states from the horn of Africa did not attract animosity and hostility when compared to USA and UNISOM 1 did during their intervention in Somali.

ECOWAS is another REC that has been able to mitigate various conflicts that have arisen in West Africa. For instance, immediately after the end of cold war, ECOWAS ensured that Charles Taylor a renowned war lord in Liberia was handed over to The Hague Court to face charges on crimes against humanity. ECOWAS has also been able to intervene in Central African Republic (CAR), and Mali, Sierra Leone (1997).¹¹⁸

UN and AU therefore need to synergize joint operations through a multi-agency institutional framework under which REC's could be highly strengthened. The synergy

¹¹⁷<http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>

¹¹⁸ African Peace and Security Architecture, (2010). *Self-Assessment Report*. Addis Ababa.

should be anchored under a strengthened principle of cooperation and coordination through a proper command structure to combat continental transnational crime. Indeed, since the founding of the AU, both the AU and the UN have pushed for greater coordination and cooperation between them on issues pertaining to maintenance of peace and security and which has led to more strategic partnership. The key driving force to these kind of partnerships is the realization that security challenges are too complex to be adequately addressed by a single organization¹¹⁹. This has further led to the transformation of their partnership into one that is more predictable, systematic and strategic with the backing of the UNSC (United Nations Security Council) and AUPSC (African Union Peace and Security Council) 7816th and 628th meetings respectively¹²⁰.

The Joint United Nations-African Union Framework for Enhanced Partnership in Peace and Security is the basis for collaboration through joint mechanisms and regular consultations between the UN and the AU. It recognizes the need for close cooperation based on comparative advantage and complementarity in peace and security, and burden sharing on the basis of collective responsibility to be able to respond early, coherently and decisively on peace and security matters¹²¹.

The framework is based on chapter VIII of the UN charter which provides for the role of regional arrangements in the maintenance of international peace and security and the Declaration between the UN and The AU titled “Enhancing UN-AU cooperation; Framework for the ten year Capacity Building Program for the AU” signed in Addis Ababa on 16th November 2006¹²²

¹¹⁹ https://unoqu.unmissions.org/sites/default/files/signed_jointframework.pdf. United Nations-African Union Annual Conference, New York, 19/4/2017. Joint United Nations –African Union Framework for Enhanced Partnership in Peace and Security.

¹²⁰ https://unoqu.unmissions.org/sites/default/files/signed_jointframework.pdf. S/RES/2320(2016) and PSC/PR/COMM.2(DCXXVIII) of 18th November 2016 and 29th September 2016 respectively

¹²¹ https://unoqu.unmissions.org/sites/default/files/signed_jointframework.pdf. United Nations-African Union Annual Conference, New York, 19/4/2017. Joint United Nations –African Union Framework for Enhanced Partnership in Peace and Security

¹²² https://unoqu.unmissions.org/sites/default/files/signed_jointframework.pdf. United Nations-African Union Annual Conference, New York, 19/4/2017. Joint United Nations –African Union Framework for Enhanced Partnership in Peace and Security

2.3 South African Development Corporation Peace and Security Framework

South African Development Cooperation was formed in 1980 at a conference organized by the South African States. They came together, to deal with Apartheid in the region and the conference was to reduce the members economic and transportation dependence on S.Africa, to coordinate foreign aid and investment in the region. Which certainly was in relation to change politics and in the next decade the membership began bargaining for the next treaty. In August 1992 the member states were about 10 and S.Africa was meant to join in 1994 whereas Mauritius joined in 1995. ¹²³

The SADC treaty entails common economic, environmental and peace security goals. In as much as SADC had an economic angle, peace and security were majorly discussed, out of the discussions an SADC security substructure was formed leading to a committee on Security and defense. The committee was meant to meet regularly. ¹²⁴

Namibia's independence led to a more formal security framework touching on solidarity and regional cooperation. Diplomacy was upheld as a means of promoting peace and security in the region. However, it is good to note that the SADC peace and security framework is a bit frail.

2.4 Conclusion

To sum up the chapter the study concurs with Barry Buzan's assertion that regional organizations have the ability to enhance peace and security at a regional level because they are well versed with the local dynamics and their intervention in most of the time is normally perceived and welcomed as a positive gesture of good neighborliness as opposed to global interventions that are in many at times perceived as to being interference and incursion into the sovereignty of an independent state. But most of all regional organizations are better placed because they know the necessity of peace in determining integration.

¹²³ Constitutive Act, (1980). *SADC*.

¹²⁴ *Ibid*.

CHAPTER THREE: OPERATIONALIZATION OF THE EAC PROTOCOL ON PEACE AND SECURITY

3.1 Introduction

The EAC Protocol on Peace and Security was established in the year 2013, the protocol was developed to address the security challenges that had rocked the region after the end of the cold war. This chapter evaluates the operationalization of the above legal instrument by examining what provisions have been fully operationalized and which ones have not. The chapter also delineates the challenges that have attended to the operationalization of the instrument in the context of the increasing peace and security threats in the region.

Terrorism, transnational crime, cattle rustling and the refugee bulge has been on the rise. Kenya for instance has faced a series of terror attacks emanating from its neighbor country Somalia, cattle rustling between the borders of Kenya and Uganda has also been on the rise with both factions blaming one another over the incidents. Refugee crisis is still a menace; the political instability in Burundi has contributed to the refugee crisis in Tanzania and Rwanda, whereas the natural resource conflict in DRC has contributed to the refugee crisis in Uganda. Kenya has on the other hand forcefully repatriated Somali refugees by closing down the Dadaab and Kakuma refugee camps.

3.2 Principles and Provisions of the EAC Protocol on Peace and Security

The protocol's provisions focus on addressing; peaceful preventive measures on conflict resolution (article 4), to deter any acts of Genocide as was experienced in Rwanda 1994 (article 5), how to collectively combat acts of terrorism within the EAC region (article 6), combating and suppressing piracy within the Indian Ocean more so along the Somali coast line strip (article 7), to provide and offer peace support missions to EAC countries that are facing political instability or civil war (article 8), to facilitate disaster risk reduction to countries that are prone to the variables of climate change (article 9), management of the refugee crisis (article 10), to prevent proliferation of illicit and small arms and light weapons (article 11), to counter and prevent transnational border crime (article 12), preventing and combating cattle rustling mostly between Kenya and

Uganda(article 13), exchange, detention, custody and rehabilitation of prisoners of either terrorism or transnational crime (article 14).¹²⁵ Few of the listed articles in the paragraph have yielded fruits as the chapter is going to analyze.

The EAC protocol on peace and security should be institutionalized beneath the EAC council of ministers or the EAC secretariat, alternatively it can be allowed to stand alone like the East African Court of Justice or the East African Legislative Assembly. However the EAC Secretariat is better placed to handle the protocol because they have a wider and bigger mandate compared to other institutional framework within the EAC and since security matters in most cases are classified the secretariat must work closely with the council of ministers to facilitate national coordination and implementation of the policy frameworks.

3.3 Achievements

In as much as the full operationalization of the EAC Protocol on Peace and Security still remains a great challenge to the community credit must be given to the member states for having sat down and developed a legal blue print that addresses the outstanding security challenges within the community.¹²⁶

Davit Mittrey reminds t that it is not very easy for sovereign states to come together and draft a policy document that binds them together more so on sensitive issues that touch on security concerns. Realists unlike idealists will insist that issues that touch on national security are the sole mandate of a sovereign states and no other external functional entity should undertake the task. Credit must therefore be given to the EAC for having developed the protocol that seeks to bind all the member states on security matters.¹²⁷

So far it is only Rwanda and Uganda that have ratified the EAC protocol on security, Kenya, Tanzania, and Burundi are yet to do so. However that is not to say that those Countries that have not yet ratified the protocol, have completely disregarded the provisions in the legal instrument. A good number of the member states within their

¹²⁵ EAC Secretariat, (2013). *The East African Community Protocol on Peace and Security*, Arusha.

¹²⁶ Ibid.

¹²⁷ Mitrany, D. (1975). *The Functional Theory of Politics*, London.

domestic legal and policy frameworks have developed regulations that prescribe and are in conformity to the regional protocol. Kenya for instance having not ratified the protocol on peace and security in its own wisdom through the Ministry of Interior has gone a step further to develop a counter terrorism strategy with a full institutional framework known as the counter terrorism unit; an indicator that Kenya is countering terrorism despite having not ratified the sub regional peace and security framework.¹²⁸

In as much as acts of Terrorism still persist within the community member states like Kenya, Tanzania and Uganda have worked jointly in combined operations towards gathering and sharing security intelligence as enshrined in Article 17(3) that talks about information sharing and confidentiality. It is however good to be cognizant of the fact that such mutual security cooperation can be traced back to the year 1998 when Kenya and Tanzania were jointly attacked and come the year 2010 Uganda and Kenya were again jointly attacked. Due to such regional target attacks the member states have since worked together going to the extent of invoking Article 14 of the protocol that allows cooperation in the exchange, detention, custody and rehabilitation of prisoners and offenders. That was experienced in the year 2010 when Kenya extradited her citizenry that were believed to have been participated in Uganda's attack.

Article 16 of the protocol has also so far been adhered too. The member states have in many at times forged relationships with regional and international organizations whose activities have a bearing on the objectives of the protocol. A case in point has been in combating transnational and cross border crimes, human and drug trafficking, motor vehicle theft, cybercrime, money laundering, and illegal migration. To resolve the listed security breaches the EAC member states have in many at times cooperated with international agencies more so Interpol that plays a policing role in the globe.¹²⁹

The EAC member states have so far been able to foster and maintain an atmosphere that is conducive to peace and security through cooperation consultations on issues pertaining

¹²⁸ EAC, S. (2013). *Status Ratification Chart*. Addis Ababa.

¹²⁹ Elowson, C. & Adrian, L. *Challenges to Peace and Security in East Africa: The Role of IGAD, EAC and EASF*.

to the peace and security of the member states with a view to the prevention, better management and resolution of disputes between and conflict between them. In 2016 the EAC council ordered the secretariat to organize for a joint security assessment mission to Burundi to re assess the security situation in Burundi and the mission team was to have a representation of all the partner states.¹³⁰

3.4 Challenges to the Operationalization of Protocol

One of the greatest challenges that the protocol is facing is the issue of legitimacy within the EAC region. Out of the six EAC member states only two have ratified the legal instrument and these are basically Rwanda and Uganda, meaning that the protocol does not enjoy the cardinal principle of jurisprudence across the board within the EAC member state.¹³¹ Uganda on the other hand in as much as it has ratified the protocol it has not taken a step further to domesticate the full provisions of the protocol, it is so unfortunate that only Rwanda has done so not due to its fidelity to the community, rather due to its renowned discipline of ratifying most international, continental, and sub-regional legal instruments. Article 20 of the protocol reaffirms that the protocol shall enter into force upon ratification by all member states. Going by the current state of ratification, status, it is clear that it will take some time before the EAC Protocol on peace and security's comes into force. Rwanda and Uganda are the only countries that can pride themselves in terms of aiming to operationalize the Protocol., The rest of the member states have completely shown indifference to the protocol for the last four years.¹³²

The lack of political goodwill from the rest of the EAC member states to ratify and full domesticate the Protocol on peace and security clearly shows that the Heads of States and their governments have not prioritized security concerns within the region, which explains why EAC cannot resolve the political crisis in Burundi and South Sudan. The overall EAC charter mandates the member states to ensure that peace and tranquility is

¹³⁰ Ibid.

¹³¹ EAC, (2013). *Ratification Status on the Protocol of Peace and Security*. Arusha: Tanzania.

¹³² Article 20 "This protocol shall come into force upon ratification and deposit of the instruments of ratification with the Secretary General by all Partner States."

experienced and exercised within the region, but that cannot be so because the cardinal policy document that should ensure that, has so far not been taken seriously.

The protocol, in article 15, talks about the EAC council making a determination of the institutional arrangement for the implementation of the protocol, although that is yet to be realized. The study can, therefore, conclude that the protocol only makes sense on paper but in practice it does not exist since it lacks a *modus operandi* framework. The EAC Peace and Security Protocol need an institutional framework like the EAC Court of Justice or East African Legislative Assembly (EALA) with proper funding and human resource capacity. It is therefore evident that the EAC Protocol on Peace and Security is yet to be operationalized since it lacks a functional institutional framework.¹³³

An early warning mechanism as is enshrined under article 2(4) of the EAC Protocol on Peace and Security has been enshrined, however it lacks the necessary human resource and financial capacity. The mentioned component is very important since it is the only mechanism that has the ability to facilitate the anticipation of preparedness and early responses to prevent, contain and manage conflict and crisis situation in the areas of cooperation among the member states. ECOWAS for instance, through its early warning mechanism, has been able to foresee impending conflicts in Central African Republic and Mali.¹³⁴ An undertaking that is worth emulation by the EAC Protocol on Peace and Security.

If Article 8 of the EAC Protocol on Peace and Security was fully functional, then Burundi and South Sudan could have been pacified by now, since the cardinal principle of the article is to provide peace support mission within the region to ensure that there is conflict mitigation and resolution frameworks in areas that have undergone the breach of peace. Article 8 envisages a community that has its own peace operation mission, just like ECOWAS does and was able to mitigate in Gambia in the contested 2007 elections. However as it stands the EAC has delegated its peace mission operations to AU and the

¹³³ EAC Secretariat, (2000). *The East African Community Treaty*, Arusha

¹³⁴ APSA, (2010). *Assessment Study*. Addis Ababa.

UN, since it is the UN that is highly conducting peace operations in South Sudan, whereas it is AU that is working on deploying its peace operation missions in Burundi. What EAC has so far done in the two scenarios is the use of home grown good offices, whereby former Tanzanian President H.E Johnston Mkapu is the Chief mediator in Burundi.¹³⁵

On the whole, for the EAC Protocol on peace and security to gain full momentum, the community must first ensure that all her member states ratify and domesticate the legal instrument on peace and security and thereafter ensure that the EAC council establishes a proper functional institutional framework that ensures that all the provisions in the protocol are accommodated in the institutional framework. For instance the institutional framework must ensure that the early warning mechanism and peace operations missions are captured within the institutional framework to ensure effectiveness in the Modus Operandi.

3.5 Conclusion

This chapter's main conclusion is that efforts to establish mechanisms for implementing EAC Peace and Security Protocol has not been as robust as the ratification and operationalization of the EAC protocols on Common market and Customs Union. The actual implementation has not been as robust and more efforts are needed, since the enthusiasm at which the Heads of State and Government sign and ratify these instruments does not match performance at the national level. In short implementation is still very slow. EAC member states, however, still appear to remain committed to expressing their aspirations for improved peace and security.

¹³⁵ Justin, P. H. & Mathijs, L. V. (2016). *The Politics of Displacement-Related Land Conflict in Yei River, South Sudan*, Cambridge.

CHAPTER FOUR: OPTIONS FOR ENHANCING THE OPERATIONALIZATION OF THE EAC PROTOCOL ON PEACE AND SECURITY

4.1 Introduction

The EAC has formulated treaties and policies that should advance EAC development agenda. In fact, the EAC has been praised world over for formulating comprehensive legal instruments and policy frameworks that speak to the very aspirations of integration and the EAC citizens. As such they would have tremendous impact on the lives of the EAC citizens if their provisions are fully implemented by EAC member states and governments. But the enthusiasm with which the Heads of State and Government sign and ratify these instruments particularly in the area of peace and security, does not match performance in terms of domestication and implementation. On the whole, implementation is still very low.¹³⁶

Major areas of slow progress in the protocol are; the establishment of an early warning mechanism, the development of an East African Community conflict prevention, management and resolution mechanism, and the establishment of the EAC council which acts as the caretaker of the protocol. Indeed there is need for fresh thinking on how to strengthen peace and security. There still remains a glaring gap between universal values and the negative cultural practices in these three areas around the continent. The continuation of cattle rustling across the board in the EAC neighboring countries is a clear testimony to this.¹³⁷

Analyzing the question of limited political will, the study realizes that issues of peace and security are very sensitive and if the EAC were to pursue collective approaches, it may mean intervening (politically and probably militarily) in the internal affairs of member states, something EAC (unlike ECOWAS) seems extremely reluctant to pursue. This partly explains why the economic rather than peace and security agenda, has dominated EAC integration debates.

¹³⁶ Elfversson, E. (2016), *Modern African Studies*, Cambridge University Press.

¹³⁷ Ibid.

Prevailing misunderstandings about the nature and objectives of the EAC protocol on peace and security are worth clarifying, and reversing. Some actors in governments in the region, including senior policymakers in these countries, still view the protocol as an endeavor under which they could promote peace instead of looking at it as a policy framework for guiding security and a call for action on the insecurity within the region. As a result, some of the articles within the protocol have been developed to counter insecurity rather than to prevent and deter insecurity.¹³⁸

The involvement of the public in the implementation and full operationalization of the protocol remains low in general and inter member state networking is also low. As long as the region's peace and security framework is anchored towards countering insecurity as opposed to deterring and preventing any eventuality of insecurity, not much progress will be made in utilizing the protocol as a platform for securitization of the region.¹³⁹ The EAC has formulated the protocol with many articles which, if fully implemented, can lift the region out of conflict. While there is need for more policy framework, it may be helpful to seek the implementation of those already in place before producing new ones.

Chapters two and three of this study have indicated that the EAC protocol on peace and security has been limping and therefore strategic measures are required to ensure the successful operationalization of the legal instrument. Article 19 of the legal instrument, allows us among other interested stakeholders to review and front their recommendations on what needs to be done to ensure the successful implementation of the protocol.¹⁴⁰ On the whole, in order to strengthen and hasten compliance with the protocol the following policy actions and strategies need to be considered and given attention;

There is also a need for improved policy coordination among government arms and agencies that are charged with implementing policies formulated at the EAC. Security matters are very sensitive and secretive hence the need for coordination between the

¹³⁸ Okwany, C. O. (2016). *A Contribution to Insecurity*. University of Nairobi.

¹³⁹ Justin, P. H. & Mathijs, L. V. (2016). *The Politics of Displacement-Related Land Conflict in Yei River, South Sudan*, Cambridge.

¹⁴⁰ Ibid.

different member states and EAC institutional frameworks. Security relies on intelligence and gathering of intelligence needs a thorough coordination. For instance repatriating prisoners and refugees needs a joint effort. The council of ministers could, for instance, play a more proactive role in clarifying key concepts before forwarding bills to the EAC legislature for their domestication into national law.¹⁴¹

Efforts should be made to promote the full establishment of the EAC Peace and Security institutional framework. Institutional framework such as the EAC council and early warning mechanism should be put in place and empowered financially and in terms of human resource to design, formulate, and implement policies that fulfil the objectives of the EAC Peace and Security protocol. This empowerment should include the ability to sanction or prosecute actions that contravene set policy courses. Governments should also complement the existing institutions with laws that are not open to self-serving interpretations and collusion, but laws that are elaborate, stable, and backed by the protocol. Policy and legal commitments are required. Further, resources should be mobilized to strengthen the protocol and increase the autonomy of the various structural frameworks.¹⁴²

In order to address conflict and crises, the EAC, member states, CSOs, Private sector, and other stakeholders should also invest in research and develop a broad consensus on the key components and indicators of better securitization through a consultative manner. In order to better realize security and development, policy makers should first view legal instruments like EAC Protocol on Peace and Security as policy frameworks for guiding their actions and interventions, and not schemes for attracting donor funds. Policies geared towards securitization should be designed to facilitate long term preventive measures not counter offensive measures as is currently the case in EAC through the early warning mechanism architecture. Governments should also consider investing in components and indicators of good security architecture that is consultative.

¹⁴¹ Shweller, R. L. (1996). *Neorealism: Security Dilemma*, Security Studies 5, No 3.

¹⁴² Mitrany, D. (1975). *The Functional Theory of Politics*, London.

In order to realize and institutionalize this protocol and eventual transformation of the EAC, the peace and security council should work closely with the various national security dockets in East Africa, to spearhead the formation of the early warning mechanism where cutting edge for raising red flags and allowing ample time for resolving the impending threat and also to allow time for undertaking sustainable long term basis to continuously inform the vision of securitizing EAC.

The EAC and its member should encourage citizen's opinion on the state of security in their respective countries and communities.¹⁴³ This should be so since the base foundation for securitization is intelligence and in many at times the common citizenry are better placed to provide the required intelligence reports. Kenya for instance started a program known as Nyumba Kumi which by principle was to assist the Kenyan government in exercising policing at the community level. The citizens form the basis of intelligence.

The EAC member states should establish stable and consultative mechanism for monitoring compliance to the protocol. The monitoring and evaluation performance contracting system should serve as the implementation medium for the protocol. The community should therefore develop and utilize a results based monitoring and evaluation system that can effectively track the progress being made to implement the protocols effectiveness.¹⁴⁴

While the future of EAC security to a larger extent lies in the protocol and to some extent on continental and global frameworks, governments should not neglect their responsibility in financing the protocols institutional framework. Governments should honor their remittance since it shall largely facilitate the institutional arrangement and administrative side of the protocols operation. The amount of government funding which happens to have been the only one so far has not been commensurate with the protocols

¹⁴³ Ruggie, J. G. (1998). *Constructing the World Polity: Essays on International Institutionalization*, New York: Routledge

¹⁴⁴ APRM Secretariat, (2017), *Country Self-Assessment Report*, Midrand.

requirements. Notably that has been limited to the recurrent budget under the EAC Secretariat arrangements and it is therefore overdue for development budget inclusion and overall increase in levels. On that matter therefore development partners like European Union should be responsive to regional security thereby, by providing a viable gratuity kitty. Indeed, the partnership concept with the donor community is a further viable channel to the EAC, donor communities have been known to be receptive to programs that enable regional integration.¹⁴⁵

The proposed organizational structure gives the protocol an opportunity to expand its capacity, recover from its noted inadequacies, address existing and emerging challenges, as well as take advantage of opportunities occasioned through the EAC integration process. This structure is bound to realize the requisite transformation that will create an appropriate institutional culture, which supports the present strategy. The protocol must take advantage of this to institutionalize its interface with key stakeholders through the actualization of the council.¹⁴⁶

Establishing democratic institutions is another key determinant of positive democratic culture in society.¹⁴⁷ The executive should desist from manipulating independent democratic institutions, Burundi for instance is under political turmoil because the president manipulated the judiciary to legitimize his quest to vie for another term, and the president went ahead and rigged the elections leading to a public outcry. President Yoweri Kaguta Museveni on the other hand is manipulating the parliament to remove the age limit cap into his favor. Independent institutions therefore should be allowed to exercise their autonomy.

The Rwandan constitution also introduced novel institutions for conflict mediation such as the Gacaca process that are more advanced than the conventional bodies aimed at conflict prevention. The Gacaca process which was established to facilitate national

¹⁴⁵ Ibid.

¹⁴⁶ Kabia, J. M. (2011), *Regional Approaches to Peace Building: The ECOWAS Peace and Security Architecture*, Birmingham.

¹⁴⁷ Ibid.

cohesion and reconciliation, peace and participatory justice, community service while in service under which prisoners work in communities as a way of promoting reconciliation and reintegrating them into society, solidarity camps for peace education used for peace education. There is also the peace academy, a project of the Armed Forces which conducts research and offers short courses on conflict management and peace building.

The EAC member states should forge a unified counter terrorism strategy that stands to address regional terrorism. Detriments of Al- Shabaab can still be found in Somalia and EAC member states forming the largest peace keeping troop under the African Union Mission to Somalia. Al Shabaab growing weaker in Somali may get tempted to mutate in one of the EAC member states, possible areas are the coastal areas of Kenya, much as it is good to acknowledge that Kenya has its own counter terrorism strategy the sub region must be alive to the fact that Kenya's scenario is different and therefore her policy framework cannot address the impending terror threat in the region. EAC should borrow a leaf from the European Union whereby together with other member states they have a regional blue print that they use to counter and suppress terrorism. The study therefore emphasizes the need to have a regional counter terrorism blues print.¹⁴⁸

The EAC early warning mechanism should borrow a leaf from the ECOAWAS structure that has been effective at predicting the eventuality of conflicts within their region. ECOWAS was able to predict the civil war in Mali, allowing the stand by force to prepare for intervention. Despite revamping the earl warning mechanism they should also establish a stand by force with proper financial and human resource. AU for instance should not intervene in Burundi, it should be the EAC doing so as has been the case in Somalia where AMISOMs biggest lot came from the EAC member states.

EAC member states should go out of their way and ratify other global and continental security legal instruments as a region. One member state ratifying a universal legal instrument and leaving out the rest lagging behind in terms of ratification status on the same instrument serves no good to the region. A regime can only work best if the

¹⁴⁸ Stephen M. Walt. *Alliances: Balancing and Bandwagoning*.

neighboring states are a party to the same policy, not only that should be done but EAC member states should again take a step further to ratify legal instruments that if adopted can resolve the security situation in the region. Case in point that calls for a linear ratification is the African Union Convention on the conservation of Nature and Natural resources, the very convention is important because cattle rustling is mostly a result of natural resource conflict. When drought strikes and farmers lose their livestock, to replenish their stock they mostly opt for cattle rustling. EAC member states should therefore realize that a stand-alone legal instrument cannot adequately address a phenomenon.¹⁴⁹

The EAC member states should first of all domestically criminalize some of the activities criminalized by the provisions in the protocol. Cattle rustling should no longer be treated as a cultural norm between neighboring communities. Actors in cattle rustling should be criminalized and treated with punitive laws that terrorists and rapists have been treated to, when cattle rustling is left as a communal undertaking that is left to clan elders and local administrators then the protocol loses relevance since its applicability shall not be exercised at a local level and traditional mediation norms shall override the treaty. It is so absurd that cattle rustling are viewed as a sport between antagonizing communities, and local leaders have always been quick to defend the actors into the phenomenon.¹⁵⁰ In other words, before even the protocol is fully operationalized EAC member states should ensure that State presence is being felt within their territories. A research conducted in Kerio Valley by Emma Elfverson indicated that anarchy is so high in the Northern part of Kenya because there is limited state presence. There is limited deployment of the police to maintain law and order that even if Kenya was to ratify and domesticate the protocol on peace and security, it would not be honored to the spirit and letter in the regions..¹⁵¹

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Plato, (1930). *The Republic*.

EAC member states should use non state actors like civil society organizations to popularize and operationalize the protocol. Among the marginalized communities non state actors have always been present to fill the gaps left by the state. Which is therefore evident that in those localities non state actors play the central role of catering for the welfare of the inhabitants, that has therefore accorded them more legitimacy than the central governments. Civil Society organizations therefore have the ability to influence marginalized communities more than the government. For instance they have the ability to persuade the inhabitants to go to school unlike the government which cannot use its local administrative authority to influence the local inhabitants. In Kerio Valley for instance the Catholic Church has seen many communities allow the girl child and boy child go to school a task that the central government cannot undertake.¹⁵²

To wind up on the chapter EAC member states must desist from using force when implementing some of the provisions of the protocol. Globalization has proved that soft power is the best tool to be used when you want the common populace to be receptive on a given policy, force breeds rebellion and eventually resulting into a state of anarchy. Kenya and Uganda have for far too long deployed the use of force to reduce arms proliferation but the use of absolute force has proven to be futile. It is therefore upon the EAC member states through the use of the council to develop soft power mechanism to be used when domesticating the EAC protocol on peace and security.

The mechanisms as discussed can, therefore, be incorporated into the peace and security protocol through an amendment as enshrined in article 19 of the treaty.¹⁵³ The phenomenon that the EAC protocol on peace and security stands to address has a mutating tendency. That therefore means that the protocol must develop subsidiary conventions on security.

¹⁵² Emma Elversson , Peter From below: Governance and Peace building in Kerio Valley, Kenya. Cambridge University Press.

¹⁵³ Ibid. Article 19

4.2 Conclusion

In conclusion therefore, the chapter has realized that so much needs to be adopted to ensure that the legal instrument moves from theoretical framework into a praxis modus operandi. A vibrant and strong institutional framework must first be established, with well-equipped human and financial resource. If that is not adopted as an agenda item number one then the full operationalization of the protocol shall continue to dwindle.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMENDATIONS

5.1 Introduction

The EAC Protocol on Peace and Security was established in 2013 with the key aim of addressing security concerns within the East African Community sub region. These security concerns range from; combating terrorism, genocide, refugee crisis, cattle rustling, and proliferation of small arms and light weapons, transnational and cross border crimes, cooperation in detention, custody and exchange of prisoners among others. This study set out to evaluate the operationalization of the EAC protocol on Peace and Security and to specifically; asses the peace and security situation in the sub region, examine the protocol and its operationalization and identify challenges facing the operationalization and to critically analyze options for enhancing the operationalization of the protocol.

5.2 Summary of Key Debates

The 1648 Westphalian Treaty as already discussed, was key to the establishment of modern International Law and international peace and security based on collective security through collective efforts of states. These gains have since been collated, consolidated and further elaborated on through subsequent Congress of Vienna of 1815 at the end of Napoleonic wars, Versailles treaty at the end of the 1st World war in 1915 and the UN charter of 1945.

Indeed, the adoption of the UN charter was the culmination of an evolution process of identification of collective interest of states, institutionalizing those interests and safeguarding them within the international society of states and non-state actors. Under the UN charter, the United Nations Security Council (UNSC) has the primary mandate of maintenance of global peace and Security. Through provisions of chapter VIII of the UN charter, UNSC can share and or delegate this responsibility to both Regional and Sub regional organizations.

The sharing and delegation of these responsibilities stems naturally from the fact that Regional and Sub Regional Organizations have the advantage of a better understanding

of the local dynamics in conflict situations and matters of peace and security. Furthermore, their involvement and intervention in local matters of peace and security is more often deemed as a gesture of good neighborliness and genuine concern as opposed to intrusion as is more often the case in intervention by the UN itself or external big power states. Case in point being the success of AMISOM in Somalia compared to both UNIMISS 1 and 2.

Sub regional organizations such as ECOWAS have also attained higher levels of achievements in securitizing West Africa, an affirmation to Palmer and Barry Buzan's assertions that regions stand out as the focal points for securitization within the International system in the post-cold war world; key drivers to this situation being the decline of Superpower states into lite states thus occasioning the loss of their penetrative power and interests abroad and also the decline of their rivalry. The nation states at both the regional and sub-regional levels have therefore been able to move to seek collective security arrangements to be able to pool resources together among other pressures in joint protection against both military and non-military threats.

At the regional level, the African union (AU) has been at the Centre of securitization processes within the African continent. Towards maintenance of peace and security, the AU has seen it appropriate to institutionalize an agency whose core mandate is to take charge of peace and security matters. The African Peace and Security Architecture (APSA) was established through a Peace and Security protocol in 2002 and fully operationalized in 2003. The structural framework of APSA consists of the Commission, the Panel of the Wise, Continental early warning System, Africa Standby Force (ASF) and the Peace Fund.

APSA's key mandate is to advice the African Union through the Peace and Security Council on matters concerning peace and security within the African continent. Africa standby Force (ASF) and the continental Early Warning system are fully operational and have been very instrumental in the promotion of peace and security within the region. Early warning and conflict prevention, peacemaking, peace support operations, peace

building, Post conflict reconstruction, promotion of democratic principles ,good governance and respect for human rights, humanitarian action and disaster management are at its core activities.

APSA's key achievements include the African Union's ability to send peacekeeping missions in conflict situations in the region for instance AMISOM in Somalia and resolving the Ebola crisis in Liberia. Some of the challenges APSA face have been majorly around funding with the Peace Fund struggling to raise enough funds to enable it properly execute its mandate. Equally, the overlap in roles, responsibilities and mandate between the Panel of the Wise and the Security Council has made it difficult for both of them to properly execute their job and also made the work of assessing the Panel of the Wise quite daunting. Staffing challenges and membership to the Peace and Security Council has not been up to the required standard.

APSA's framework has largely been criticized for not being alive to emerging Security challenges and has not attempted to address them. Some of these challenges include but are not limited to environmental degradation, Organized crime, Health pandemics and maritime insecurity

Sovereignty remains the biggest obstacle in enabling APSA fulfill its mandate and so is the inability to establish regional brigades to compliment the ASF as was envisaged in the Maputo report of 2003. The report required the regional efforts to be complimented with the sub regional efforts. This therefore calls for greater linkages and synergy between the African Union and regional Economic Communities (RECs).

The rooting for peace and security operations being embedded within the domain of Regional Economic Communities stems predominantly from two reasons; The inherent ability of RECs to better intervene, pacify and mitigate conflict situations due to their greater understanding of the local dynamics and the realization that security challenges are too complex to be adequately addressed by a single organization and therefore the need for greater cooperation on the basis of collective responsibility guided by

principles of exploiting comparative advantages of the concerned organizations, complementarity and burden sharing.

It is against this backdrop that the establishment of the EAC Protocol on Peace and security is seen as a necessary and critical move towards securitizing the East African region. The study has therefore focused on evaluating the operationalization of the EAC Protocol on Peace and Security. The key principles and provisions of the protocol include; conflict prevention and resolution, genocide, combating terrorism, suppressing piracy, peace support missions, disaster and risk reduction, refugee crisis, proliferation of illicit arms and light weapons, transnational crimes, border crimes and combating cattle rustling, policy on exchange, detention, custody and rehabilitation of prisoners.

In the evaluation of the protocol, the key achievement noted was the ability of the East African community states to overcome their sovereignty pressures and forces of pursuing their respective National powers and their attendant traditional security thinking that security matters lie within the exclusive domain of states. Guided by their larger common good and common interests, they successfully came up with an encompassing blue print to guide the securitization processes within the region.

Secondly, most EAC countries have strived to live within the principles and provisions of the EAC protocol on peace and security by developing domestic and legal frameworks that address critical objectives of the protocol. The EAC countries have also continued to share security intelligence, undertaken joint security operations and joint security trainings particularly with regard to combating terrorism within the region.

Most importantly, EAC countries have been able to forge an atmosphere of peace and tranquility. They have often chosen to use pacific means of conflict resolution to resolve conflict between and among them as per the provisions of the protocol. IN combating transnational and cross border crimes ,human and drug trafficking, cybercrimes, money laundering and illegal migration, the EAC countries have worked closely with International agencies for instance interpool as provided for in the protocol. The EAC

countries have also attempted intervention in countries where human rights violations, governance challenges and genocidal tendencies have taken place particularly in Burundi with relative measure of success.

Some of the challenges faced in operationalization of the protocol include; legitimacy particularly since only two countries have ratified the protocol, lack of institutional arrangement for the implementation of the protocol as per the provisions of article 15 of the protocol, failure to establish an Early Warning system as per the provisions of article 2(4) of the protocol, inability to resolve the conflict situations in South Sudan and Burundi, failure to inculcate and promote democratic principles , good governance and human rights within the domestic spheres of the EAC countries.

5.3 Summary of Key Findings of the Study

The EAC countries must be hailed for overcoming their issues of sovereignty particularly those that center around non -interference with their internal affairs and pursuit of their respective National interest in favor of developing a collective approach in the securitization processes of the sub region. This is a big departure from the traditionalists' conceptualization of security and the signing of the protocol was a big positive step towards dealing with not only traditional security challenges but also emerging challenges in the globalized multi polar world.

Equally, most EAC countries have strived to leave within the principles and provisions of the protocol manifested through harmonious and the cordial nature of their interstate relations with conflict and dispute resolution mostly being pacific. They have also carried out joint training, capacity building and intelligence sharing in particular regard to combating terrorism, though this phenomenon predates the signing of the protocol it has been enhanced since its signing.

Extraditions, exchange of prisoners and detainees have also increased after the signing of the protocol. EAC countries have also worked together with other intergovernmental organizations and agencies such as interpool in tackling cross border crimes, motor

vehicle theft, cybercrimes, money laundering, transnational crime, human and drug trafficking as per the principles and provisions of the protocol.

Despite the establishment of the protocol and the aforementioned progress, EAC countries still grapple with a horde of security challenges; Two EAC member states, South Sudan and Burundi are grappling with active conflict, while Rwanda and Uganda have been unable to quell internal conflicts perpetrated by belligerent rebel groups operating within and across their borders, Kenya has continuously struggled with elections cycles that manifest its tribal unease and fissures, other security challenges the protocol sought to mitigate also continue unabated.

The factors identified as hindering the full operationalization of the protocol range from lack of political good will among the key actors, incompatibility of universal values adopted within the protocol with the local cultural traditional values practiced by the local communities, poor stakeholders involvement, lack of or public engagement and participation, lack of institutional frameworks, lack of funding, poor technical support among others.

The overriding or rather the key push factor remains the lack of political good will among the key actors in the securitization processes of the sub region. This lack of goodwill is mainly driven or orchestrated by sovereignty and pursuit of national interest and power arguments. These arguments are domiciled in the traditionalist conceptualization of security as the exclusive domain of states and the non-interference into the domestic affairs of foreign states.

The lack of political good will is well manifested in the failure by most EAC member states to promptly ratify the protocol and to domesticate it within their domestic legal instruments. Only two states, Rwanda and Uganda have ratified the treaty; Rwanda largely due to its known discipline of ratifying international instruments for purposes of positively projecting its national image and Uganda despite ratifying the treaty has failed to domesticate it in its legal framework.

Moreover, it's important to note that the EAC is one of the most advanced sub regional integration arrangement in the African region and as a fully operational Custom's union, its only one step away from being a political federation akin to the European Union. The lack of political good will and commitment at play in slowing down the pace of operationalization of the EAC protocol on Peace and security is equally at play in slowing down the EAC integration process. In sharp contrast to ECOWAS, the EAC has been unable to establish an EAC standby force despite the fact that the individual EAC member states are some of the biggest contributors to the UN and the AU peacekeeping and peace enforcement missions with remarkable experience in these types of intervention. More telling is the fact that they have not been able to intervene within the EAC framework to active armed conflict within the sub region, particularly the South Sudan and Burundi conflicts.

The lack of political goodwill and political commitment has permeated most spheres of the operationalization of the protocol including; establishment of an institutional arrangement for the implementation of the protocol, establishment and operationalization of an Early Warning system mechanism and its attendant ability to preventive measures in conflict mitigation. It has also hampered the provision of peace support in conflict situations as envisaged in article 8 of the protocol, a position that has forced the EAC to delegate this core responsibility to the UN and the AU.

5.4 Conclusion

From the study, it is apparent that the full operationalization of the protocol is only possible and viable in an atmosphere of increased trust and goodwill among the member states and actors in the EAC securitization processes. One way of achieving this environment is through entrenching good governance, promoting democratic principles and respect for human rights within the individual EAC countries. Presently, lack of respect for constitutions and constitutionalism, poor governance, human rights abuses and repression of political opponents are the dominant features within the domestic body politic of the EAC member states. The efforts put by governments to self-preserve have hampered genuine efforts to want to fully implement and operationalize the protocol.

Senior state political actors have felt threatened by provisions of the protocol which advocate for democratic principles, good governance, respect for human rights. This explanation accounts for major strides made towards economic aspects of EAC regional integration yet baby steps or none at all are being made towards an EAC political federation and in our context towards full operationalization and implementation of the protocol.

5.5 Recommendations

The study recommends the application of article 19 of the East African Protocol on Peace and Security which allows for review of the protocol on what needs to be done to ensure its successful implementation. The study accordingly recommends the following;

- The EAC member states should expedite the process of ratifying the protocol. This should be done to ensure incorporation of the protocol's obligations into the domestic legal frameworks particularly the constitutions of the member states. This should be geared at enhancing compliance to the provisions of the protocol.
- The various organs of the EAC, agencies and various arms of government of member states charged with the implementation of the protocol should strive to clarify and elaborate on the terms and concepts underpinning the protocol so that its objectives are well understood to go beyond counter security measures and the key focus to be on securitization premised on preventive measures. This will ensure the protocol achieves its mandate much more efficiently.
- The EAC Secretariat and member states should put more effort towards strengthening institutions in line with the protocol's provision. This should be done both at the EAC and at the Peace and Security levels. The aim should be to capacitate them to execute their mandates in achieving the protocols objectives.
- Synergy must be built between the EAC Peace and Security Council and the various national security dockets for efficient realization and execution of the protocol's objectives.
- There is also a need for building greater consensus among the member states, the private sector, the public, the civil society and the other critical stakeholders in order to align objectives and lessen conflict. The EAC must, therefore, develop

mechanisms for greater citizen participation and must deliberately set out to educate its citizens and other stakeholders on its securitization programs and instruments.

- The EAC countries should also establish a stable and a consultative mechanism for monitoring and evaluating compliance to the protocol. This mechanism should utilize a results based monitoring and evaluation system to be able to track the implementation progress of the protocol.
- To alleviate financial constraints on implementation progress of the protocol, member states' governments should honor their financial commitment and obligations towards the EAC. This should aid in facilitating the administrative and institutional arrangements of the protocol. Forging sustainable partnership with development partners could also help in bridging the financial gaps.
- There is also need for the EAC countries to exploit the available opportunities in the region by working together with other inter-governmental organizations such as IGAD whose mandate and goals are compatible with its own.
- EAC countries must also put more efforts in overcoming the pressures and pull towards pursuit of their individual National powers and sovereignty to the detriment of building trust in collective security and collective common good enshrined in the protocol.

BIBLIOGRAPHY

African Journal Magazine (2014/15)

APRM Secretariat, (2005), *Country Review Report on Rwanda*. Midrand.

APRM Secretariat, (2017), *Country Self-Assessment Report*, Midrand.

APSA Commission, (2010). *2010 Assessment Study*, Zanzibar.

AU (2007), *Charter On Democracy, Elections and Good Governance*,

AU Secretariat (2002), *The Peace and Security Council: African Peace and Security Architecture*

AU Secretariat, (1959). *The Convention on Refugee's*, Addis Ababa.

AU Secretariat, (2013). *Agenda 2063*, Addis Ababa.

Berg, B. (2001). *Research Methods*.

Buzan, B. (2008) *People, States and Fear*.

Buzan, B. O. Wæver. & J. De Wilde. (1998). *Security: a new framework for analysis*: Lynne Reinner Publishers.

Buzan, B. Waever, O & Wilde, J. D. (1998). *Security: A New Frame Work for Analysis*, London:

Carr, E. H (1962). *The 20years Crisis*, 2nd ed. London: Macmillan.

Clausewitz, C. V. (1976), *On War*, Princeton: Princeton University Press.

Clausewitz, V.C (1976). *On War*, Princeton: Princeton University Press.

Constitutive Act (1967), *Association of South East Asian States*.

Constitutive Act, (1980). *SADC*.

Crisafulli, P. & Redmond, A. (2012). *Rwanda Inc*. New York: Macmillan.

D. Mitrany, D. (1975). *The Functional Theory of Politics*, London.

Dixon, M. (2007), *International Law*, Cambridge: Oxford.

Douhet, G (1983), *Command of the Air (USAF Warrior Studies)*, Office of Air Force History, United States Government Printing Office

- Dubois, W. E. (1935). *The Black Reconstruction of America*.
- EAC Secretariat (2013). *The Protocol on Peace and Security*. Arusha.
- EAC Secretariat, (2000). *The East African Community Treaty*, Arusha.
- EAC Secretariat, (2013). *The East African Community Protocol on Peace and Security*, Arusha.
- ECOWAS, (1981). *Protocol on Peace and Security*.
- Elowson, C & Adrian, L. *Challenges to Peace and Security in East Africa: The Role of IGAD, EAC and EASF*.
- Elowson, C & Adrian, L. *Challenges to Peace and Security in East Africa: The Role of IGAD, EAC and EASF*.
- Ernst, H. B. (1991), *When Knowledge is Power: Three Modes of Change in the International Organization*, Berkely: University of California Press.
- EU & UNHCR Report (2016):
- Golafshani, N. (2003). *Research. "Qualitative Studies Focus on Community Engagement"*
- Gruzd, S. (2014). *African Accountability: What Works and What Doesn't*, Johannesburg: SAIIA Publishers.
- Gruzd, S. (2014). *The African Peer Review Mechanism: Development Lessons From Africa's Remarkable Governance Assessment System*, Johannesburg: SAIIA.
- Guderian, H. *The Development of Armored Forces, their Tactics and operational Potential*, Arms and Armor Press.
- <http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>
- <http://amisom-au.org/wp-content/uploads/2008/09/Resolution-2182-2014.pdf>
- http://www.geest.msh-paris.fr/IMG/pdf/Security_for_Buzan.mp3.pdf
- <http://www.longwarjournal.org/wp-content/uploads/2016/06/2016-State-Department-Country-Report-on-Terrorism.pdf>
- <https://peaceaccords.nd.edu/provision/regional-peacekeeping-force-lom-peace-agreement>

- Ian. C. (1999), *Globalization and International Relations Theory*, Oxford: Oxford University Press.
- International Criminal Court (1998). *The Rome Statute*, Netherlands.
- John, M. J. (2001). *The Tragedy of Great States*,
- Justin, P. H & Mathijs, L. V (2016). *The Politics of Displacement-Related Land Conflict in Yei River, South Sudan*, Cambridge.
- Justin, P. H. (2015), *Modern African Studies*, Vol. 54
- Kabia, J. M. (2011), *Regional Approaches to Peace Building: The ECOWAS Peace and Security Architecture*, Birmingham.
- Kaldor, M. (2013). *New and old wars: Organized violence in a global era*:John Wiley & Sons.
- Kant, I. (1795). *Perpetual Peace*, London: George Allen.
- Kay, S. (2004). Globalization, power, and security. *Security Dialogue*.
- Keohane, R. O & Nye, J. O. (2001). *Power and Interdependence*, Longman Publishers.
- Luck, E. C. (2003), *Reforming the United Nations: Lessons from a History in Progress*, United Nations Occasional Paper 3.
- Mearshimer, J. (2001), *Tragedy of Great Power Politics*, Norton.
- Mitrany, D. (1975). *The Functionary Theory on Politics*.
- Morgenthau, H & Thompson. K. W. (1948), *Politics among Nations*, Mc Graw Hill.
- Mugenda, M. (2003). *Research Methodology*.
- Nye, J. S & Keohane, R. O. (2001). *Power and Interdependence*, Longman Publishing Group.
- OAU, (1963). *Constitutive Act*, Addis Ababa.
- Okwany, C. O. (2016). *A Contribution to Insecurity*. University of Nairobi.
- Oluoch, M. L (2009). *Kenya's Foreign Policy towards Israel, 1963-2002: Contradictions between Rhetoric and Practice*. University of Nairobi.
- Palmer, N. D. & Perkins, H. C. (2010), *International Relations*, 3rd ed.

- Perkins, P. B. (2010), *International Relations*, India: AITBS.
- Plato, (1930). *The Republic*.
- Redmond, A. (2012). *Rwanda INC*, New York: Macmillan.
- Reinher, L and Hart, B. L. (1964). *A History of the First World War*, Pan Macmillan.
- Ruggie, J. G. (1998). *Constructing the World Polity: Essays on International Institutionalization*, New York: Routledge
- Rumsfeld, D. H. (2002). Transforming the military.
- Shweller, R. L (1996). *Neorealism: Security Dilemma*, Security Studies 5, No 3.
- Sierra Leone; *OAU Supports ECOWAS Resolution on Sierra Leone*, "Africa News, May 13.
- Thakur, R. (2011), *The Responsibility to Protect: Challenges and Opportunities in light of the Libyan Intervention*.
- The UNESCO press. *The decolonization of Africa: Southern Africa and the Horn of Africa*. Warsaw, Poland.
- Tordoff, W. (1997). *Government and Politics in Africa*. New York: Macmillan.
- UN Report: UNISOM 1.
- UN Security Council, (1951). *The Convention on Refugee's*.
- United Nations (1945). *UN Charter*, San Francisco.
- Walt. S. M. *Alliances: Balancing and Bandwagoning*.
- Waltz, K. N. (2010). *Theory of International Politics*, Waveland Press.
- Williams. P.D (2008) *Security Studies: An Introduction*, Routledge: London.
- Wolfer, A. (1952). *National Security as an Ambiguous Symbol*, Political Science Quarterly Journal, Vol. 67, No 4.