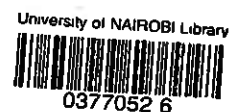


**SECURITY OR DEVELOPMENT? THE EAST AFRICAN  
COMMUNITY (EAC) REGIONAL INTEGRATION DILEMMA**

**PETER CHEGE KAMAU**

**A Research Project Submitted to the Institute of Diplomacy and  
International studies of the University of Nairobi in Partial  
Fulfilment of the Requirements for the Award of the Degree of  
Master of Arts in International Studies of the University of Nairobi**

**NOVEMBER, 2013**



## DECLARATION AND RECOMMENDATION

### DECLARATION

I hereby declare that this research project is my original work and has not been submitted to this or any other university for the award of a degree or any other award.

Sign:  Date: 20.11.2013

Peter Chege Kamau

### RECOMMENDATION

This research project has been submitted for examination with my approval as  
University supervisor:

Sign:  Date: 23-11-13

Dr. Musambayi Katumanga

University of Nairobi, Kenya

## **DEDICATION**

**To my dear wife Waitherero: Your love, support and encouragement knows no boundaries.**

**To my children, Wacheke, Kamau, Kariuki and Wambui; May this work inspire you to scale the heights of academia.**

## **ACKNOWLEDGEMENT**

**I would like to express my sincere gratitude to my supervisor, Dr. Katumanga, whose guidance and supervision made the successful completion of this work possible.**

**I would also like thank the Ministry of the East African Community for granting me the opportunity to undertake this study.**

**I hope this work will serve as a crucial source of reference for the stakeholders in the EAC integration process.**

## **ABSTRACT**

**This study examines the nexus between security and regional integration in the East African Community. To this extent the study employs a constructivist approach to respond to three questions: Why despite the obvious threats in the region and the provisions made in the articles 5,123,124 and 125 of the EAC treaty, have the partner states failed to develop a common security strategy? To what extent does the absence of a common security strategy impede the intensification of the integration process? How can the states in the region evolve a common security policy? The study employed a qualitative research and its target population was the EAC Secretariat in Arusha and the Ministries responsible for the coordination of the EAC affairs in the five Partner States. Data was collected using a structured interview schedule. The study argues that the key impediments to the formulation of a functional regional security strategy are embedded in the state actors' state-centric perception of security and certain provisions of the treaty establishing the EAC. The actor's continued pursuit of national interests and sovereignty has rendered it difficult for the region to conceive common regional security threats as national interests. The study also argues that the absence of a regional security strategy has denied the region a coordination mechanism to steer the integration process. As a result, most of the objectives of the integration process have not been attained as envisioned. The study found out that the nexus between integration and security has not taken root in the region. The EAC still regards economic development and security as separate entities hence its preference for a gradualist regionalism approach to an integrated one. The study also found out that the mistrusts and suspicions that led to the break-up of the EAC in 1977 still linger in the region. These suspicions have derailed the fast tracking of Political Federation in which the region's security framework is anchored.**

**The study proffers a security framework that encompasses human security. The approach should address the military, political, economic, societal and environmental threats. For the purpose of formulating a Regional Security Strategy, the study categorizes the common interests of the region as: survival, vital, major and peripheral. To address the region's security adequately, the study recommends the prioritization of political integration in order to facilitate establishment of regional instruments that promote peaceful management of conflicts and stability. To address the challenge of sovereignty, the study recommends the immediate operationalisation of Article 8 (4 & 5) of the Treaty, which gives precedence to regional laws, policies and institutions over national, laws, lest the Partner States renege on their commitments or selectively implement them. The study also recommends a new institutional coordination framework that is sensitive to the regional political and security peculiarities.**

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## **LIST OF ABBREVIATIONS**

<b>AMISOM</b>	<b>African Union Mission in Somalia</b>
<b>AMU</b>	<b>Arab Maghreb Union</b>
<b>AU</b>	<b>African Union</b>
<b>CAR</b>	<b>Central African Rivals</b>
<b>CEN – SAB</b>	<b>Community of Sahel – Saharan State</b>
<b>COMESA</b>	<b>Common Market for Eastern South Africa</b>
<b>EABC</b>	<b>East African Business Council</b>
<b>EAC</b>	<b>East African Community</b>
<b>EACLA</b>	<b>East African Central Legislation</b>
<b>EACM</b>	<b>East African Common Market</b>
<b>EACSO</b>	<b>East African Common Services Organization</b>
<b>EAHC</b>	<b>East African High Commission</b>
<b>EALA</b>	<b>East African Legislative Assembly</b>
<b>ECCAS</b>	<b>Economic Community of Central Africa State</b>
<b>FDI</b>	<b>Foreign Direct Investment</b>
<b>ICT</b>	<b>Information Communication and Technology</b>
<b>IGAD</b>	<b>Intergovernmental Authority on Development</b>

<b>ISPDC</b>	<b>Inter-state Politics and Diplomacy Committee</b>
<b>NTBs</b>	<b>Non Tariff Barriers</b>
<b>OAU</b>	<b>Organization of African Unity</b>
<b>OPDS</b>	<b>Organ for Political, Defence and Security</b>
<b>PSC</b>	<b>Peace and Security Council</b>
<b>RECs</b>	<b>Regional Economic Communities</b>
<b>SADC</b>	<b>South African Development Community</b>

## CHAPTER ONE

### 1.1 Statement of the Problem

The treaty for the establishment of the current EAC was signed on 30<sup>th</sup> November, 1999 by the three original member states; Kenya, Uganda and Tanzania and eventually, came into force in the year 2000. Two new member states, Rwanda and Burundi assented to the treaty and became full members of the community in July 2007.<sup>1</sup> The main objective of the EAC as set out in Article 5 of the treaty, is to widen and deepen co-operation among the partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.<sup>2</sup> Twelve years down the line, the community saw the establishment of a customs union and a common market protocol. It was envisaged that a monetary union would be in place in 2012 before subsequently paving way for a political federation.<sup>3</sup>

Despite the integration efforts, persistent threats and other security challenges have continued to impede the economic progress. Terrorism, human and drugs trafficking, ethnic and inter-communal violence, religious tensions, piracy and money laundering are rising at alarming levels in the region.<sup>4</sup> These threats have largely been perceived in economic terms hence economic responses. This explains the push for regional integration as a means of maximizing on the economies of scale. Constraints towards its achievement have seen a drive by the partner states towards a political integration as provided for in Article 5(2) of the treaty.<sup>5</sup> The push towards political integration

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<sup>1</sup>Okello D., *East African Integration, Dynamics of Equity in Trade, Education Media and Labour*. 2<sup>nd</sup> edition. (Nairobi: Society for International Development, 2011), P. xvi

<sup>2</sup> East African Community., *The Treaty for the Establishment of the East African Community*, P.12

<sup>3</sup>Ministry of the East African Community, *Insights into the Integration Journey*, 2011, P.1

<sup>4</sup> The East African, "Threats to Regional Security", (The East African, November, 3-9, 2012), P.28

<sup>5</sup>*The Treaty for the Establishment of the East African Community*, P.13

presumes the appreciation and conception of common threats and vulnerabilities beyond economic integration.

Indeed Articles 5,123,124 and 125 of the treaty give cognizance to the fact there is need to address peace and security in order to realize any economic development. However, no institutional framework for the promotion of security is proposed. Attempts have been made to address the threats by preparing a regional peace and security protocol to anchor cooperation among the states. It is not clear however, how the threats addressed in the protocol were conceived. Moreover, no regional institutions and structures have been identified to operationalise it. Three years down the line, the protocol has not been ratified. In the meantime, the region has been confronted by the threats mentioned in the preceding paragraph. It is in this foregoing context that the study's questions are anchored. Why despite the obvious threats in the region and the provisions made in the articles cited, have the partner states failed to develop a common security strategy? To what extent does the absence of a common security strategy impede the intensification of the integration process? How can the states in the region evolve a common security policy? The study seeks to answer these questions by pursuing three main objectives.

## **1.2 Objectives of the Research**

The objectives of the research are to:

- a. Examine and analyze the factors explaining the failure to develop a common security strategy.
- b. Examine and analyze the nexus between the absence of regional security policy and limited integration.
- c. Propose an outline of a Regional Security Strategy for EAC.

### **1.3 Justification of the Study**

Peace and Security have been acknowledged as critical in creating the right environment upon which regional integration, in all aspects, can be fostered. The EAC Treaty in this regard identifies peace and security as a pre-requisite for the success of the EAC regional integration process. The region has however, not been able to develop a comprehensive security framework to date.

Though the EAC takes cognisance of the significance of peace and security for successful regional integration, its development strategies do not reflect this importance. The 2006-2010 EAC Development Strategy for instance, gives very little attention to the region's security sector as opposed to its comprehensive coverage of the sectors on which the community's integration process is based. The highlight of the strategy is deepening and accelerating integration. This appears to contradict the Community's vision as outlined in the strategy: *"to have a prosperous, competitive, secure and politically united East Africa"*.<sup>6</sup> This can only be attained within the context of a structured security arrangement that can create the right environment for integration initiatives, capable of protecting the gains attained.

This study by responding to the three questions raised brings to the fore the hurdles to the conceptualization of security from a regional perspective and also establishes the nexus between security and integration. By so doing the study calls for security to be accorded its rightful position in the community's development strategy.

In line with the provisions of the treaty, the EAC has developed a strategy for peace and security. The strategy covers collaboration on cross-border crimes, auto theft,

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<sup>6</sup>The East African Community Development Strategy: 2006-2010

drug trafficking, terrorism, money laundering and other crimes.<sup>7</sup>To operationalise the strategy, a protocol on peace and security has been developed. The strategy however, falls short of articulating the appropriate conception of regional security as well as regional interventions. The protocol on the other hand, does not show how the threats were conceived and most significantly, it does not identify the regional structures that are charged with making the protocol operational. Furthermore, the protocol portrays the traditional conceptualization of security where military threats take precedence over every other threat. Security is therefore, viewed as the absence of threats from other states and the threat of war being the major threat to the existence of the state.

This study argues that the region must embrace a paradigm shift in its conceptualization of security to allow the state actors begin conceiving common regional security threats as national interests. The development of a meaningful regional security strategy will only succeed when such a conceptualization takes root. A regional security strategy plays useful roles in the security agenda of a region. It provides a roadmap of the region in the context of security, identifies the obstacles that might be encountered and prescribes strategies for dealing with them.

Though the EAC treaty encompasses the concept of human security, this is yet to be transformed into tangible results geared towards enhancing human security in the region. Threats to human security and sustainable development and political stability in the region are posed by many factors such as poor institutional and political governance, illicit proliferation of small arms and light weapons, blatant violation of

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<sup>7</sup> East African Community, *Strategy for Regional Peace and Security*(EAC: Arusha- Tanzania,2006), P.4

human rights, unhealthy competition and exploitation of resources, non-statutory armed groups, economic disparity and violent conflicts including pastoral ones.<sup>8</sup>

In order to tackle these problems, this study argues that a broader comprehensive regional peace and security framework needs to take shape and gain momentum in the region. Such a framework will pave way for sustainable and focused strategies to enhance the region's capacity in addressing the ongoing conflicts including potential ones and the emerging threats to human security.

The necessity of such a security framework is made imperative when one considers the fact that the states in the region have not consolidated the process of nation building, making them vulnerable to internal security threats. The five Partner States in the EAC are faced by either covert or active sub-state threats.<sup>9</sup> To address these threats, the provision of human security is critical. In a situation where a section of the population is insecure, states are inevitably insecure and perceived as illegitimate. The regional security environment is also characterized as an insecurity complex.<sup>10</sup> This makes the already internally insecure states highly vulnerable to threats emanating from the neighbourhood. To daunt and deal with such threats, state security must be conceptualized from a regional perspective.

This study is anchored within the broader tenets of human security. The human security approach seeks to fundamentally question and alter who is protected and how that protection is provided away from the state-centric traditional security. The approach takes individuals rather than the state as its referent object and emphasizes

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<sup>8</sup>Kizito Sabala, "Towards a Regional Security Framework for the Horn of Africa. A Framework of Analysis", in Mwangi, (eds.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004), Pp.15-16

<sup>9</sup>Interview with an EAC Security Expert Conducted on 18<sup>th</sup> August, 2012.

<sup>10</sup>Barry Buzan and Ole Waever, *Regions and Powers: The Structure of International Security*. (Cambridge: Cambridge University Press, 2003), P.229



the need for a holistic long term view of security that includes the redress of structural inequalities.<sup>11</sup>

Such an approach would also address the threat of climate change which harbours the potential to derail the integration process. Recounting the recent havoc visited on the US by the Hurricane Sandy, Ahmed Salim questions whether the EAC has a capacity to deal with such a catastrophe. Salim further argues that the region cannot afford to assume the reality of global climate change in view of the severity and extreme weather events. Acknowledging such reality and putting in place structures to address such natural disasters is vital for promoting human security in the region.<sup>12</sup>

Salim posits that this can be addressed in a regional security framework that conceptualizes security from a dual prism of state (hard) security as well as human (soft) security. If the region does not take environment and ecology seriously, the risk of being caught flat footed when disaster strikes is apparent with noxious ramifications on human security. He further argues that such an approach to the region's security is made imperative by the regions trend of events. The episodic bouts of political violence in Kenya, mounting political-religious tensions in Tanzania, the delicately balanced peace in Burundi and the forthcoming round of high stakes elections and transitions in all the five partner states mark a critical moment for the region. The elite in the region could take comfort in the high, positive economic growth rates, expanding intra-regional and global trade and the region's rising global profile. However, the hitherto relatively smooth ride towards greater regional

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<sup>11</sup> Adams Oloo, "Regional Institutions and the Quest for Security in the Horn of Africa", in Mwangi, (ed.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004), P. 202

<sup>12</sup> Ahmed Salim (Society for International Development), "How Climate Change Can Derail the East African Integration," *The East African*, Nairobi, November 17-23, 2012, P.22

integration can be compromised if ecological and human security is taken for granted.<sup>13</sup>

Oloo Adams on the other hand, argues that the section of the EAC treaty touching on security mostly emphasizes cross-border criminal activities. For instance article 124(5) provides that partner states agree to enhance cooperation in the handling of cross border crime, provision of mutual assistance in criminal matters and exchange of information on national mechanisms for combating criminal activities. He further argues that matters of security are not discussed elaborately to implementation levels. Security is only discussed when it is acknowledged that the maintenance of peace and security is essential for the promotion of trade, investment and any other development efforts.<sup>14</sup>

Taking the argument on the provisions of article 124 further, Khadiagala points out that on paper, the EAC is strong; coordination of decisions on security policy, measures to combat the trade in drugs and arms, cooperation between police forces and steps to counter international terrorism are all referred to in the Treaty. However, the reality is somewhat different. The Community's influence on peace and stability is marginal as was illustrated by the Kenyan post election crisis in 2008, where the EAC was only partially successful in its attempts to promote stability.<sup>15</sup> The bloc was outdone by the AU and the UN which quickly stepped in to find ways to end the violence and seek peace.

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<sup>13</sup> Ahmed Salim, "How Climate Change Can Derail the East African Integration" Ibid.P.22

<sup>14</sup> Adams Oloo, "Regional Institutions and the Quest for Security in the Horn of Africa", Op Cit P. 210

<sup>15</sup> Gilbert M. Khadiagala, "Regionalism and conflict resolution: Lessons from the Kenyan crisis", *Journal of Contemporary African Studies*, 27 (2009) 3, 431-444

Looking at the reality of the security situation on the ground, Keith Stephan and Moritz Baz argue that the problems cannot be solved within the national context. The member states' borders are porous and poorly monitored. Ethnic conflicts, often fanned by exclusion from economic development and political participation, occur in all member states.<sup>16</sup>

The existing narrow conceptualization of security as Okoth further posits, may see the EAC not achieving its stated objective to promote political, economic, social and environmental dimensions of development. Okoth advocates for a broad based security paradigm that is capable of accommodating the requirements of the organization where member states are increasingly unable to control transitional movements and influences from across the borders.<sup>17</sup>

This study calls for a clearly thought out conception of security as the conceptual basis for the regional policy on developing the region's security system in geopolitical economy terms. An engrossing conception makes all-encompassing consideration of those internal and external conditions that determine main trends of national and regional security system's creation and development bearing in mind a peoples' cultural and religious heritage. It is within such a framework that the disparities in partner states' economic development should be addressed. In a society where there is manifest interdependence, the poor performance of one country's economy has negative effects on the others economies.

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<sup>16</sup> Stefan Keith/ Moritz Baz, *The East African Community Regional Integration between Aspiration and Reality* [www.kas.de/wf/dockas\\_2875\\_544\\_2\\_30.pdf](http://www.kas.de/wf/dockas_2875_544_2_30.pdf) P.103 Accessed on 9<sup>th</sup> September, 2013

<sup>17</sup> Godfrey Okoth. , "Regional Institutional Responses to Security in the era of Globalization , in Mwangiru.,(ed.), *African Regional Security in the Age of Globalization*, (Nairobi: Henrich Boll Foundaton,2004), P. 51

The study also advocates for a security framework that addresses the utilization of shared resources such as the Lake Victoria. Ignoring this is a sure sign of possible future causes of conflict and insecurity in the EAC. The festering Migingo dispute between Kenya and Uganda for instance, may culminate into a major confrontation if not resolved.

From the academic point of view, the study's response to the three questions raised will add value to the already existing literature on regional security and provide a framework for further research: These questions address the following critical issues: the impediments to the development of a common security strategy despite the obvious threats in the region and the provisions made in the articles 5,123,124 and 125 of the EAC treaty; the nexus between the absence of a common security strategy and limited integration; and how the EAC partner states can evolve a common security policy. It is hoped that the study will assist policy makers in the region in considering the proffered suggestions that could address some of the issues raised.

#### **1.4 Theoretical Framework**

Security has largely been conceptualized from the theories of Neo-Realism and Liberalism, in which the state is taken to be the unit of analysis. To the Neo-Realists, the state is an independent, self-related and cohesive agent with internal superiority and harmony of interests. On the contrary, the international system is anarchical.<sup>18</sup>

In such a scenario, they argue that foreign policy is the effect of the external structure and is not related to the domestic level. To survive in this anarchical system, states build international alliances and also enhance their own power in a bid to protect

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<sup>18</sup> Patrick Morgan., "Security in International Politics: Traditional Approaches, "in Alan Collins, *Contemporary Security Studies* (Oxford University Press,2007), P.16-17

themselves. However, efforts to increase the security of one state undermine the security of another, resulting in a security dilemma.

Variants of Liberalism on the other hand, mainly focus on the domestic level of analysis, but also retain the state as the main actor. To the liberalists, foreign policy is the outcome of domestic politics which encompass the internal ideology, socio-economic structure and the political system.<sup>19</sup> Liberalists further assert that the risk of conflicts can be reduced by economic interdependences and that cooperation in international institutions can be made possible through the creation of security communities.<sup>20</sup>

These traditional approaches have however been criticized for overlooking the need to broaden the concept of security to encompass new threats and referent objects. Sorensen for instance, challenges their concept of security dilemma. He argues that states are under permanent transformation; they evidently have an inner dimension, are not peaceful entities and conflicts are not only interstate.<sup>21</sup>

The study adopts the social constructivism theory. The focus of social constructivism is on human awareness or consciousness and its place in world affairs. Unlike neo-realism which focuses on how the distribution of material power, such as military forces and economic capabilities define balances of power between states and explain the behaviour of states, constructivists argue that the most important aspect of international relations is social, not material. They further argue that this social reality is not objective, or external, to the observer of international affairs. The social and

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<sup>19</sup> Steve Smith, "The Contested Concept of Security," in Ken Booth, *Critical Security Studies and World Politics*. (Boulder, London: Lynne Rienner Publishers, 2005), P.31

<sup>20</sup> Patrick Morgan., *Security in International Politics: Traditional Approaches* Op Cit P.25

<sup>21</sup> Georg Sorensen., "State Transformation and New Security Dilemmas," in Ersel Aydinli and James N. Rosenau, *Globalization, Security, and the Nation State: Paradigms in Transition*. (Albany: State University of New York Press, 2005), P.81

political world, including the world of international relations, is not a physical entity or material object that is outside human consciousness. Consequently, the study of international relations must focus on the ideas and beliefs that inform the actors on the international scene as well as the shared understandings between them.<sup>22</sup>

To the constructivists, the international system is not something 'out there' like the solar system. It does not exist on its own. It exists only as an inter-subjective awareness among people; in that sense the system is constituted by ideas, not by material forces. It is a human invention or creation not of a physical or material kind but of a purely intellectual and ideational kind. It is a set of ideas, a body of thought, a system of norms, which has been arranged by certain people at a particular time and place.<sup>23</sup>

The constructivism approach has been selected in the study because it is a critical engagement with society and the academic world and their interlinked systems of knowledge. The emphasis is on how social actors construct their reality and the implications for social science. For constructivists, social reality is not something outside the discourse of the academic community but is partly constituted by it. The study therefore examines the possibility of East Africa reconstructing its identity in a bid to develop collective regional security institutions and formulate new ways of managing the anarchy and the security dilemmas prevalent in the region.

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<sup>22</sup> Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches 4<sup>th</sup> edition*. (Oxford University Press, 2010), P.162

John Baylis and Steve Smith, *The Globalization of World Politics: An Introduction to International Relations 2nd Ed.* Oxford University Press Inc. New York (2001) pp265-266

<sup>23</sup> Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches*. Ibid P.162

To the constructivists, history is not some kind of unfolding or evolving process that is external to human affairs. Men and women make their own history. They also make states which are historical constructs. States are artificial creations and the state system is artificial too; it is made by men and women and if they want to, they can change it and develop it in new ways.<sup>24</sup> Everything involved in the social world of men and women is made by them. The fact that it is made by them makes it intelligible to them. In line with this argument, this study posits that it is possible for the East African region to reconstruct its history by making a security framework that addresses the region's security environment in a holistic way.

The social world is in part constructed of physical entities. But it is the ideas and beliefs concerning those entities which are most important: what those entities signify in the minds of people. The international system of security and defence, for example, consists of territories, populations, weapons and other physical assets. But it is the ideas and an understanding according to which those assets are conceived, organized and used that is most important. The physical element is there, but it is secondary to the intellectual element which infuses it with meaning, plans it, organizes it and guides it. The thought that is involved in international security is far more important than the physical assets that are involved because those assets have no meaning without the intellectual component: they are mere things in themselves.<sup>25</sup>

The theory of constructivism has however, been challenged for a number of weaknesses. Neo-realists are in particular cynical about the importance that constructivists attach to norms, especially, the international ones. Such norms indisputably exist, but they are routinely disregarded if that is in the interest of

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<sup>24</sup>Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches*. Ibid P.164

<sup>25</sup> Ibid P.165

powerful states. They further argue that that states cannot easily become friends due to their social interaction. Such a goal may be desirable in principle, but not realizable in practice, because the structure of the international system forces states to behave as egoists. Anarchy, offensive capabilities, and uncertain intentions combine to leave states with little choice but to compete aggressively with each other.<sup>26</sup>

The constructivists' argument is also faulted for downplaying the challenge of uncertainty arising from the present and future intentions of other states. This challenge of uncertainty is significantly increased by the fact of deception. Constructivists tend to assume that social interaction between states is always sincere and that states genuinely attempt to express and understand each others' motives and intentions. But there is a pervasive element of deception in the relations between many states.<sup>27</sup>

To contend this argument, constructivists maintain that anarchy is a more complex entity than posited by neo-realists. It need not always lead to self-help, mutual aggression and the risk of violent conflict. They further argue that it may be true that shared ideas about friendship do not reflect a deep commitment between some states; but that point can be addressed by carefully analyzing the degree of internalization of shared ideas.<sup>28</sup>

This study in taking cognizance of these gaps in the constructivists' argument employs the Buzanian approach to bridge them. Buzan argues that the concept of security was too narrowly founded and therefore, offers a broader framework incorporating concepts that were not previously considered to be part of the security

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<sup>26</sup>Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches*. Ibid P.173

<sup>27</sup> Ibid P.173

<sup>28</sup> Ibid P.174



puzzle such as regional security, or the societal and environmental sectors of security.<sup>29</sup> Although he primes his analysis with neorealist beliefs such as anarchy, the depth of his analysis is constructivist in that he does not accept the given, but rather explores each element of what he considers to be the security package one by one in order to arrive at a more informed conclusion.

The model adopted in this study explains how the conceptualization of the current EAC treaty impedes the development of an effective regional security framework. In terms of predictability, it points out how continued threats will anchor mistrust, continued pursuit of absolute gains and security dilemmas. As a prescriptive model, it brings out the dire need for joint regional approaches to the rising insecurity; a challenge that threatens to undermine the gains made in regional integration.

## **1.5 Hypotheses**

- a. That the constraints inherent in the evolution of a common security strategy in the EAC are a function of the unwillingness of the state actors to conceive common regional security threats as national interests.
- b. That the absence of a common security strategy is an impediment to the intensification of the integration process in the EAC.

## **1.6 Literature Review: Security and the Politics of Cooperation**

### **1.6.1 Introduction**

In this section of the study, a review of literature on security and regional integration is made. It begins by looking at the linkage between security and regionalism after which the concept of regional security as relational phenomenon is discussed. The

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<sup>29</sup> Barry Buzan, *People, States and Fear, An Agenda for International Security Studies in the Post-Cold War Era*, 2<sup>nd</sup> edition, (Hertfordshire: Harvester Wheatsheaf, 1991), P.14

section also highlights the process of formulating a regional security policy. To this extent, the section establishes the commonalities in the EAC partner states' national interests and security threats and also brings to the fore, the regional security environment. The section ends with an examination of the opportunities existing in the region to create a common security agenda.

### **1.6.2 Regionalism, Regional Integration and Security**

Regionalism today is engraved in the parallel dynamics of globalization and regionalization. These dynamics pose challenges to the territorial nation state. Nevertheless, the state is still entrusted with and held responsible for promoting development. In the light of this, regionalism has emerged as one way to address development.

Adler argues that regional integration, economic co-operation, regionalism and regionalization are inherently nebulous notions. In spite of this, the notions have gained prominence in the analysis of contemporary regionalism.<sup>30</sup> In Rosamond's view, regionalism is the tendency of geographically close territories or states to engage in economic integration and to form free trade areas and possibly common market.<sup>31</sup> Bach on the other hand, argues that regionalism goes beyond economics and markets to involve transformation of a geographical area into a clearly identified social space.<sup>32</sup> Regionalism shapes policies geared towards economic development, political amalgamation and to some extent, harmonization of security and peace regimes.

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<sup>30</sup> Emmanuel Adler, *Imagined (security) Communities* : A Paper Presented during the 1994 Annual Meeting of the American Political Science Association, New York, Pp.1-4

<sup>31</sup>Ben Rosamond., *Theories of European Integration*, (Palgrave Macmillan, 2000), P. 87

<sup>32</sup>Daniel C. Bach., "New Regionalism as an alias: Regionalization through Trans-state Networks," in J. Andrew Grant, and Fredrick Soderbaum (eds.) *The New Regionalism in Africa*, (Burlington:Ashgate.2003) Pp.21-30

Deutsch on the other hand, views security as the basis for enhancing integration. He argues that sovereign states that decide to cooperate would be said to have achieved integration to the extent that a sense of community and institutions emerge to produce practices strong enough to assure a long term dependable expectations of peaceful change among the various populations.<sup>33</sup>

Though regionalism has emerged as one way to address development, this study argues that regionalism without common values poses an enormous challenge to the very development it is meant to enhance. There has been a tendency in the African continent for states to forge regional ties without any serious attempts to create building blocks for a shared regional or sub-regional identity. Consequently, only in very few cases are a state's development at a regional level, and the ideas it espouses at that level, shared by all the countries in its respective region or sub-region. This has been the case in the EAC. The study further argues that such a conceptualization of regionalism has placed hurdles in the process of evolving common security architecture since the individual states do not share common values or an overarching identity. Having common values shared by all the partner states would make it easier to engage in meaningful cooperation.

The region seems to have slithered into a situation whereby the process of regional development is measured by the number of institutions created and protocols passed without necessarily paying any particular attention to the political will or capacity that exists to make sure that these institutions function or that the protocols are implemented. This dichotomy between appearance and capacity has contributed to the limited integration achieved so far.

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<sup>33</sup>Karl W. Deutsch *et al.*, *Political Community and the North Atlantic Area. International Organization in the Light of Historical Experience*,(Princeton, Princeton University Press, 1957),P.5

The EAC regionalization espouses the principle of asymmetry and this has posed a challenge in evolving common security architecture. This stems from the partner states' differing colonial heritages, political and security agendas, incompatible visions coupled with uneven political and economic development. These realities inevitably hamper the bloc's integrationist efforts and undermine the consensus required to pursue a common security policy.

The United Nations defines regional integration as organizations of a permanent nature in a certain geographical area where several countries which by reason of proximity, commonality of interests or cultural linguistic, historical or spiritual affinities make themselves jointly responsible for peaceful settlement of any disputes between them and for maintenance of peace and security in their region as well as safe guarding of interests and the development of economic and cultural relations.<sup>34</sup> Since the end of the World War II, the establishment of regional blocs and groupings has increasingly become a prominent feature in international politics. This can be attributed to the acknowledgement that regional integration, which these groups seek to achieve, has also become a proven framework for development worldwide and also a crucial instrument for achieving socio-economic growth.

Though an environment of peace and security is acknowledged as being critical for regional integration, there is no clear road map on how such groups can evolve common security architecture. The focus seems to be on regional development without a clear conceptualization of the existing nexus between security and development.

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<sup>34</sup> UN, Documents of the United Nations Conference on International Organizations, III/4/A/9, Francisco: UN, 1945) XII, P. 850

This study seeks to fill these gaps by identifying the hurdles to the creation of a common security policy in the EAC and also bring to the fore the nexus between security and integration. It does this by demonstrating how the limitation encountered in the intensification of the integration process is partly due to the absence of a common conceptualization of regional security.

There are two main approaches to regional integration. The first approach is associated with neoclassical economics and functionalists who linked regional integration to theory of comparative advantage in trade. In this approach integration is conceived as a means of removing trade barriers between neighbouring states through free trade areas, customs unions and economic unions. The other approach is from the Marxist-Leninist school of thought where integration is perceived as having emerged as a reflection of the internationalization of capital on a global scale when capitalism attained the stage of imperialism.<sup>35</sup>

African countries have since independence shown a preference for a sequence that begins with economic integration. Perhaps this pattern is based on pragmatism that the loss of sovereignty among member states might be advanced if they uphold principles of political union. In any case political control is more rooted in African countries thus the incumbent political leaders are more willing to enhance economic sovereignty at the expense of political union.<sup>36</sup>

The EAC has for instance adopted a gradualist approach to its integration process. Such an approach presupposes that economic integration would inevitably lead to

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<sup>35</sup>Musuya W. Mangachi, *Regional Integration in Africa: East African Experience* (Ibadan: Safari Books Ltd,2011), Pp. 4-5

<sup>36</sup> Daniel C. Bach., *New Regionalism as an alias: Regionalization through Trans-state Networks*; Ibid Pp.23-24

political integration. In this case, integration in the areas of defence and security are viewed as the by products of economic regionalism. Christiansen and Haas in critiquing such an approach argue that the failed attempts to create a European political community and a European defence community during the mid-1950s depopularised the validity of the neo-functionalism theory of integration.<sup>37</sup> This study argues that this approach has contributed a great deal to the near relegation of security issues to the periphery in the EAC integration process.

### 1.6.3 Regional Security: A Relational Phenomenon

In his discourse on regional security, Buzan argues that security is a relational phenomenon. Consequently, one cannot understand the national security of any given state without understanding the international pattern of security interdependence in which it is embedded.<sup>38</sup> In his analysis of regional security and how it affects the concept of security as a whole, Buzan brings out several concepts. The first is that of amity and enmity among states.<sup>39</sup> He argues that relationships between states can represent a spectrum from friendship or alliances to those marked by fear. The issues that can affect these feelings range from things such as ideology, territory, ethnic lines, and historical precedent. The concept of amity and enmity, leads to what Buzan refers to as security complex; a group of states whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another.<sup>40</sup> Security complexes can be useful in terms of policy and they also provide a good framework to discuss issues that are endemic to

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<sup>37</sup>Thomas Christiansen., "European and Regional Integration," in John Baylis and Smith Steve(eds.) *The Globalization of World Politics* (New York: Oxford University Press,2001), Pp.494-518

E.B. Hass., *The Study of Regional Integration; Reflection on the Joy and Anguish of Pre-theorizing International Organizations*. 24(4), 1970, Pp 607-646

<sup>38</sup>Barry Buzan, *People, States and Fear*, Op cit P.187

<sup>39</sup> Ibid P.189

<sup>40</sup> Ibid, P.190

any one region. If the solution can be found only from within the context of the complex, then the policy should be made from within this context as well.

The ideas of regional security and security complexes are important as every state can put its security in relation to at least one complex. The post-election violence in Kenya in 2008 for instance, threatened to plunge her landlocked neighbours into macro-economic instability spurred by shortages of essential consumer products and crippling inflation. Uganda and Rwanda's oil distribution channels faced paralysis as the major oil depots supplying them are located in Nakuru, Kisumu and Eldoret which were among the main flashpoints of the post-election violence that engulfed the country. The violence also denied them access to Mombasa, the major sea port serving East Africa and the Great Lakes region.<sup>41</sup> This study argues that the Kenyan crisis should provide a learning experience to the state actors in the EAC of the potential consequences of taking regional security lightly.

Regional security can be viewed from various approaches. The most predominant one in the nineteenth and twentieth centuries was collective defence or alliances. Alliances are structures whereby regional actors seek to ally themselves with other like-minded states against a perceived common threat or enemy. Robert Osgood defines an alliance as a formal agreement that commits states to combine their military forces against a certain state or states.<sup>42</sup> Due to the very nature of their formation; like-minded states that unite to meet an external threat or enemy, alliances seldom contain any dispute settlement mechanisms for internal threats. They however, offer political advantage to the members in that they can influence each other's security-policy decision making process.

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<sup>41</sup>Jaindi Kiseru, "Kenya Election Run-off Jitters Ripple through East Africa", *The East African*, Nairobi, February 23- March 1, 2013 P.4

<sup>42</sup>Robert Osgood, *Alliances and American Foreign Policy* (Baltimore, MD, 1968), pp 17-31

Alliances can be bilateral, comprising two equal states or large and small state, or they can be multilateral, comprising three or more states of equal or differing power. In the Cold War, the two major alliances were the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. The two were formed under the leadership of the two superpowers, the United States and the Soviet Union in order to counter the perceived threat that each posed to the security of the other and its allies.

The other approach is collective security in which the members agree not to use force to resolve their disputes and to respond collectively to any violation of this rule. This approach focuses on a more narrow, military-threat definition of security and looks to a neoliberal institutionalist analysis of motives for state behaviour. Neoliberal institutionalists argue that institutions such as collective security organizations help to overcome international anarchy by helping to shape the interests and practices of states.<sup>43</sup> To them, the underlying rationale for international cooperation is the recognition of common interests among states. Common interests are developed out of shared fears of unrestricted violence or unstable agreements, or insecurity about independence or sovereignty.

Charles and Clifford Kupchan support the idea of a collective security region system which they argue is a more reliable system upon which to build regional security than through rival balancing alliances. They however, recognize the limiting effects of this system in that it is all-inclusive in membership and impose a binding commitment on the members to respond to acts of aggression. Due to the large and diverse

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<sup>43</sup> Keohane, R.O. *After Hegemony: Cooperation in the World Political Economy* (Princeton, NJ, 1984), Pp. 13, 63



membership, it may be problematic for member states to agree on what constitutes aggression.<sup>44</sup>

The cooperative security structure may be more appropriate for the EAC region. This approach broadens the definition of security beyond the traditional military concerns to include environmental, economic and social concerns. Rather than offering a set formula on how regional security systems should be structured, the approach involves a gradual process that seeks to shape state policy makers' attitudes from the narrow military-only focus. Cooperative security therefore, attempts to change state behaviour from one of competition with other states to cooperation with those states. It is also designed to facilitate linkages across a broad spectrum of political, economic and social issues. It seeks to build confidence among the regional states through discussion, negotiation, cooperation and compromise.<sup>45</sup>

The cooperative security approach in line with the model adopted in this study encourages a constructivist approach to regional security. The EAC region needs such an approach to overcome the existing mistrust; lower the walls erected between societies, governments and states in the wake of colonial, pre-independence and Cold War periods; and, transcend the barriers of sectarian and national interests.

The need for need for such an approach is intensified by the EAC's location. The bloc borders Sudan, Ethiopia and Somalia, placing it at the crossroads of the Greater Horn of Africa, the Great Lakes and the Indian Ocean. The Horn of Africa has not only been identified with its geographic location but also by its conflicts which are historically aggravated by a continuous struggle for regional hegemony among its

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<sup>44</sup> Craig A. Snyder. ,”Regional Security Structures,” in Snyder.,(ed.), *Contemporary Security and Strategy* , (Rout ledge: New York,1999), P. 109

<sup>45</sup> Craig A. Snyder. ,”Regional Security Structures,” in Snyder.,(ed.), *Contemporary Security and Strategy*, Ibid pp 114-115

constituent states.<sup>46</sup> The security complex of the region is represented by an enduring pattern of conflict between incumbent regimes and opponents operating from neighbouring countries.<sup>47</sup> Buzan defines a security complex as a group of states whose primary security concerns link together sufficiently closely that their national securities cannot be realistically considered apart from one another. Such complexes he argues emphasize the interdependence of rivalry as well as that of shared interests.<sup>48</sup>

Buzan further argues that, the relational nature of security makes it impossible to understand the national security patterns of a state without a firm understanding of the regional security in which it exists.<sup>49</sup> This study perceives the East African community region from the context of a Buzanian security complex. Any attempts at addressing security in the area must involve all the states in the region rather than having the partner states formulating their own security strategies. It delves further to show the nexus between integration and security and how such conceptions determine the general security architecture.

The region needs to come to terms with the new security frameworks of analysis that have diverged from the traditional views of security. According to Buzan, the security of human collectivities is affected by five major sectors, namely, military, political, economic, societal and environmental. Military security concerns the two-level interplay of the armed offensive and defensive capabilities of states and their perceptions of each other's intentions. Political security concerns the organizational ability of states, systems of governance and ideologies that give them legitimacy.

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<sup>46</sup> Ofuho, C.H. , "Security Concerns in the Horn of Africa", in Mwagiru.,(ed.), *African Regional Security in the Age of Globalization*, (Nairobi: Henrich Boll Foindaton,2004), P.7

<sup>47</sup> Ibid

<sup>48</sup> Buzan, B., *People, States and Fear*, Op cit P.190

<sup>49</sup> Ibid pp 187-188

Economic security concerns access to resources, finance and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns sustainability within acceptable conditions for the evolution of traditional patterns of language, culture, religion, national identity and customs. Environmental security concerns the maintenance of local, regional and planetary biosphere as the essential support on which all other human enterprise depends.<sup>50</sup> It is worth noting that the five sectors are woven together in a web of linkages and do not therefore operate in isolation. This study argues that the security architecture in the EAC should be viewed from such a holistic approach.

The genesis of a regional security strategy is a clear definition of regional security interests that should prevail in the midst of competing visions about the shape of regional security. The challenge is to define the primary interests not from the perspective of the individual actors in the region but from a holistic and inclusive perspective. It is also important to define the point at which individual states foreign and security policies should yield to, and even merge with a regional security strategy.<sup>51</sup>

Though the security issues in the EAC require a systemic analysis approach, this has not taken root in the region. According to Mwagiru such an approach would see the partner states embrace a regional perspective to their security issues as opposed to their current focus on state oriented national security strategies.<sup>52</sup> This study responds to this gap by proffering a regional security strategy that can adequately deal with emerging security threats to the region as a system. Regional interests form the basis

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<sup>50</sup>Buzan, B., *People, States and Fear*, *Op cit*. Pp.19-20

<sup>51</sup> Mwagiru M., "Towards a Security Architecture in the IGAD Region," in Mwagiru.,(eds.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation,2004), P.140

<sup>52</sup> Ibid p.144

of such a strategy. Threats to these interests enhance the identification and development of regional security objectives. The study posits that the regional interests can be derived from the national interests of partner states by identifying the commonalities in them. The partner states should therefore, synthesize their national strategies with the regional security strategy.

#### **1.6.4 The Concept of Regional Security**

Ayoob defines regional security as an ideal type of order where members of a region attain a political nirvana by finding solutions to regional problems or sweeping them so firmly under the carpet that they do not re-emerge. He notes that a major assumption in the interpretation of regional security is that states have succeeded in managing or eliminating problems that create ethnic, communal, sub-national and socio-economic antagonisms which are often the causes of conflict.<sup>53</sup> This assumes that there is a mechanism to deal to deal with conflicts when they occur; a regional security strategy in this case.

A regional security strategy guides how regional resources or instruments of power can be employed to positively influence the regional environment in pursuance of specific regional interests and objectives. From the broader understanding of security, a regional security strategy addresses the essential concerns of integration such as the economic, socio-political and military issues. It coordinates the region's political, economic and military strategies and helps in their implementation. A regional

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<sup>53</sup>Ayoob Mohamed, "Regional Security and the Third World" in Mohamed Ayoob, (eds.) *Regional Security in the Third World*, (London and Sydney: Croom Helm 1986), P.3

security strategy also provides the ways and means by which a region can achieve its aspirations.<sup>54</sup>

**a) Formulating Security Policy: Insecurity, Threats and Vulnerabilities**

According to Buzan the concepts of threats and vulnerabilities are a key divide in security policy. They serve to highlight the internal debate within national security, whether it should focus outward, concentrating on cutting off threats to the state at the source, or inward, reducing the state's vulnerabilities.<sup>55</sup> The reality however, is that neither one of these options would work as successfully alone as they could work if applied together. If, for example, a state focuses all its efforts on maintaining national security and reduces as much vulnerability as possible, the state will no sooner find itself in a situation where its international security is threatened and it is unprepared to respond to the threat. Buzan therefore, advocates for a policy which mixes elements of a national security strategy with elements of an international security one.<sup>56</sup>

A clear definition of regional objectives is paramount in formulating a regional security strategy. Regional objectives that are ill defined, inconsistent or unsupported by some degree of regional consensus will make the process very challenging.<sup>57</sup> Just like in the national security strategy, regional security objectives should be derived from what needs to be done to address threats to the securitized regional interests. Similar to national elements of power, regional elements of power which provide

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<sup>54</sup>Collins J., "Grand Strategy: Principles and Practices" in Lykke, A.F., (Jr.), (ed.) *Military Strategy: Theory and Application*, (Carlisle Barracks: US Army War College, 1993), P.20

<sup>55</sup> Barry Buzan, *People, States and Fear*, Op Cit,P.112

<sup>56</sup> Ibid, P.335

<sup>57</sup>Snow, D.M., and Drew, D.M., *Making Strategy: An Introduction to National Security Processes and Problems*, (Alabama Air University Press, 1988), P.14

security are: military, economic and diplomatic/political. These elements are closely related and are coordinated through the regional security strategy.<sup>58</sup>

The EAC's vision of a prosperous, competitive, secure and politically united East Africa can only be attained within the context of a structured security arrangement that can create the right environment for integration initiatives, capable of protecting the gains attained. In this respect, the Treaty for the Establishment of the EAC recognizes peace and security as a pre-requisite for the success of the integration. Chapter 23 of the Treaty therefore, elaborates the measures necessary to facilitate a predictable and enabling security environment. It also recognizes the need for synergy between Defence, Foreign Policy, Political Affairs and law enforcement and their mutually reinforcing linkages to all stages of EAC's integration.<sup>59</sup>

The regional security dynamics reveal that although inter-state conflicts do exist, intra-state conflicts are the most serious challenge, with governance being the most prominent sources of grievances. Unemployment and under development have also created fertile grounds for recourse to crime and other ills. Degradation of the environment, climatic change and competition for the meager natural resources are other emerging sources of concern for human security. There are also new generation threats to Peace and Security that continue to emerge, including maritime piracy, terrorism, cybercrime and identity theft, counterfeiting, money laundering and human

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<sup>58</sup>Lykke, A.F., (Jr.), (ed.) *Military Strategy: Theory and Application*, (Carlisle Barracks: US Army War College, 1993), P.3-5

<sup>59</sup>Beatrice B. Kiraso, "EAC Integration Process and the Enabling Peace and Security Architecture" at the EAC Peace and Security Conference - Kampala, Uganda, 5<sup>th</sup> October, 2009

trafficking. To confront these challenges a number of intervention modalities have been developed.<sup>60</sup>

In line with Article 123 (5), the EAC has put in place an institutional framework through the establishment of various Sectoral Councils and Committees to give direction and policy guidance for cooperation in areas of Defence, Inter State Security as well as Foreign Policy Coordination so as to enhance peace, security and governance initiatives. These include: Sectoral Council on Cooperation in Defence; Sectoral Council on Inter State Security; Sectoral Council on Foreign Policy Coordination; Joint Sectoral Councils on Defence, Inter State Security and Foreign Policy Coordination. These Sectoral Councils allow for continuous and regular meetings at the strategic and policy making levels.<sup>61</sup>

It is on the basis of this provision in the treaty that a strategy for peace and security covering collaboration on cross-border crimes, auto theft, drug trafficking, terrorism, money laundering and other crimes has been developed in the region. The strategy is meant to provide a good and conducive environment in which peace will flourish, security of persons and property guaranteed hence fostering development. The strategy's vision is, "a secure and peaceful environment for development" while its mission is to provide security within the region through enhanced cooperation.<sup>62</sup>

The strategy aims to enhance the following fifteen goals: enhance the exchange of criminal intelligence and other security information between partner states; enhance joint operations and patrols; install common communication facilities for border and interstate security; adopt the UN model law on mutual assistance on criminal matters;

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<sup>60</sup> Ibid, P.8-9

<sup>61</sup> Ibid,P.10

<sup>62</sup> East African Community, Strategy for Regional Peace and Security. (EAC: Arusha- Tanzania,2006), P.4

implement protocol on combating illicit drug trafficking; exchange training programs for security personnel; establish common mechanisms for the management of refugees; exchange visits by security authorities; establish regional disaster management mechanisms; formulate security measures to combat terrorism; establish measures to combat cattle rustling and the proliferation of illicit small arms and light weapons; develop mechanisms to combat security challenges on Lake Victoria; develop a mechanism for conflict management and resolution; and develop a conflict early warning mechanism.<sup>63</sup>

To operationalize the EAC peace and security strategy the region has developed a protocol on peace and security. The protocol seeks to apply to the partner states' cooperation and integration in matters of regional peace and security in conformity with the treaty. Its objectives are: to promote peace, security and stability within good neighbourliness among partner states and to guide the implementation of chapter 23 of the treaty on cooperation in political matters. The protocol also calls on the region to protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra and inter-state conflicts and aggression.

Both the strategy and the protocol however, reveal some inherent shortcomings. The strategy falls short of articulating the appropriate conception of regional security as well as regional interventions. The protocol on the other hand, does not show how the threats were conceived and most significantly it does not identify the regional structures that are charged with making the protocol operational.

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<sup>63</sup>East African Community, Strategy for Regional Peace and Security Ibid P.5



In addressing security issues in the EAC region, this study argues for the formulation of a common security strategy using a framework of analysis based on the understanding of the region as a security complex. In such a complex, the security of the states is interrelated and cannot be easily separated from each other. The aggregation of the individual state concerns and strategies from the Partner States will therefore, inform the regional security strategy. Such a systemic approach to security will ensure the region's survival and also enhance the integration process. The next section of the study therefore, highlights the commonalities in the five partner states security interests and threats.

#### **b) Commonalities in Partner States interests and Security Threats**

The genesis of a regional security strategy is the development of a common understanding of security by the partner states. This entails the identification of commonalities in the security concerns of the states. There must be a broad perception of security to include the economic, military, socio-political and environmental issues. This presupposes that the states in the region have formulated Grand National Strategies.

Grand National Strategy is the process by which the country's basic goals are realized in a world of conflicting goals and values held by other states and non-state actors. The ends of grand strategy are usually framed in terms of achieving national interests. The role of the strategy process is to provide means for achieving those ends. The means are traditionally described in terms of the instruments of national power and

usually categorized as the political/diplomatic, economic and military instruments of power.<sup>64</sup>

The military instrument refers to the extent to which a country's armed forces can be used to achieve national ends. The economic instrument refers to the application of a state's material resources in achieving those ends. The diplomatic /political instrument refers to the ways the international political position and diplomatic skills of the state can be brought to bear in pursuit of national interests. Each instrument is applied for the same purpose: to achieve outcomes that serve the national interest. The result of amalgamating those instruments into a coherent set of means is the grand strategy of a country over time. Grand National Strategy thus emerges as the process by which the appropriate instruments of power are arrayed and employed to accomplish the national interests.<sup>65</sup>

Countries have a variety of interests, some of which are more important than others and some of which are amenable to promotion in different manners. Donald Neuchterlein distinguishes the interests as survival, vital, major and peripheral. According to him a survival interest exists when the physical existence of a country is in jeopardy due to attack or threat of attack. Vital national interests is a term that is commonly defined by two characteristics; one which the state will not compromise and one over which the country would go to war. Major interests are situations where a country's political, economic or social well-being may be adversely affected but where the use of armed force is deemed excessive to avoid adverse outcomes.

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<sup>64</sup>Dennis M. Drew & Donald M. Snow, *Making Twenty First Century Strategy: An Introduction to Modern National Security Processes and Problems*. (Air University Press, Maxwell Air force Base, Alabama, 2006), Pp.31-2

<sup>65</sup> Dennis M. Drew & Donald M. Snow, *Making Twenty First Century Strategy: An Introduction to Modern National Security Processes and Problems*. Ibid Pp.31-2

Peripheral interests are situations where some national interest is involved but where the country as a whole is not particularly affected by any given outcome or the impact is negligible.<sup>66</sup>

The five EAC Partner States are however, yet to formulate their grand strategies. This study therefore, made use of the available national economic and development strategies, defence policies, foreign affairs policies/practices to identify the areas of security interests.

### **Rwanda**

The national interests of Rwanda are largely influenced by its turbulent past, geographical position and scarcity of natural resources owing to population pressure. The major aspiration of Vision 2020 is to transform Rwanda's economy into a middle income with an annual growth rate of at least 7%. This calls for transformation from a subsistence agriculture economy to a knowledge-based society, with high levels of savings and private investment, thereby reducing the country's dependence on external aid. The Vision aspires for Rwanda to become a modern, strong and united nation proud of its fundamental values, politically stable and without discrimination among its citizens.<sup>67</sup> The Vision is based on the following pillars: Reconstruction of the nation and its social capital anchored on good governance, underpinned by a capable state; Transformation of agriculture into a productive, high value, market oriented sector, with forward linkages to other sectors; Development of an efficient private sector spearheaded by competitiveness and entrepreneurship; Comprehensive human resources development, encompassing education, health, and ICT skills aimed at public sector, private sector and civil society; Infrastructural development,

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<sup>66</sup> Ibid P.32

<sup>67</sup> Republic of Rwanda: Ministry of Finance and Economic Planning, Rwanda Vision 2020 (Kigali, July 2000),P.3-4

entailing improved transport links, energy and water supplies and ICT networks; Promotion of regional economic integration and cooperation.<sup>68</sup>

The vision recognizes that due to the 1994's genocide devastating consequences on the country's social, political and economic fabric, there is dire need for successful reconciliation, political stability and security. The country aspires to become a modern, strong and united nation; a country proud of its fundamental values, politically stable and without discrimination amongst its citizens. The vision however, lays emphasis on state centric approaches and makes no provisions for regional arrangements.

### **Burundi**

Although Burundi gained its independence as a constitutional monarchy on 1 July 1962, independence ushered in a period of political instability; the country had four governments between 1962 and 1965. Over time, simmering ethnic tensions became a source of violence, and for the next thirty years the people of Burundi suffered genocide, war crimes, and crimes against humanity.<sup>69</sup>

The conflict in Burundi has negatively impacted on various aspects of human security. Agriculture, the mainstay of the economy has been ruined by the civil war; with crops destroyed, population displaced and fertile land rendered unsafe or inaccessible. As a result, food insecurity has led to malnutrition and diseases among the famine-weakened population. All these problems are further compounded by wars and instability in neighbouring countries, especially in the Democratic Republic of

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<sup>68</sup>Rwanda Vision 2020 Ibid P.3-4

<sup>69</sup>Mthembu-Salter.G; Berger, E; Kikoler,N:Prioritizing Protection from Mass Atrocities: Lesson from Burundi: Occasional Paper.(Global Centre for Responsibility to Protect, 2011),P.3

Congo. The consequences of the long standing conflict include lack of meaningful socio-economic development in the country.<sup>70</sup>

The country has however, now made a turn-around and is on the road to political and economic recovery. Its vision 2025 addresses these losses and is in line with the Arusha accord which recommends a programme of political and physical reconstruction. The Vision identifies eight pillars that are closely connected: good governance and capacity-building of the state; human capital; economic growth and the fight against poverty; regional integration; social cohesion; Regional Planning and urbanization.<sup>71</sup>

## **Uganda**

Uganda's draft security policy observes that security encompasses freedom from threats, intimidation and other pressures, from whatever source, that would undermine the basic rights, welfare and property of her people, the territorial integrity of the state, and the functioning of its systems of governance. The policy identifies the following security interests: a society which functions according to principles of justice, freedom and democracy, and where fundamental human rights are promoted and protected; a political environment in which power is exercised by a democratically elected civil leadership, and where the military is under effective civil authority; a state that empowers the active participation of all Ugandans in the governance process, and works to meet their basic needs in the areas of health, education, shelter, clean water and adequate sanitation; a country that is secure and united, peaceful and stable, and where everybody is free to participate in actions to

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<sup>70</sup> An interview with EAC Security Expert Conducted on 18<sup>th</sup> August,2012

<sup>71</sup> Ministry of Planning and Communal Development, *Vision Burundi 2025*,(June,2011)

develop economically; a nation, which has the capacity to defend herself from external threats and to maintain her national sovereignty, independence and territorial integrity; and, a country at peace with her neighbours, which supports regional and global efforts to maintain peace and stability, and fulfils her international obligations.<sup>72</sup>

Uganda's national interests as envisioned in the country's vision 2025 aim at socio-economic transformation, regional integration, peace and stability. The country's defence policy recognizes the region as vital to the country's national security planning but falls short of specifying either the institutions or policy framework to guide them. Just like Kenya the country lacks a written national security policy which can anchor national defence, internal and foreign security.

### **Kenya**

Kenya's national interests are based on peaceful coexistence and economic prosperity. As reflected in its vision 2030, the country aspires to be a globally competitive and prosperous industrialized middle income nation with a high quality of life. Kenya apparently does not have written national security, defence and foreign policies around which a regional security anchorage at operational level can be undertaken.

In Kenya's vision 2030 security concerns are confined to the state and thus do not reflect the region. The political pillar of the vision considers security, peace building and conflict management. "Security of all persons and property throughout the

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<sup>72</sup> The government of Uganda, Draft security policy framework (2002), P.10

republic” The vision’s goal for 2012 is to enact and operationalize the necessary policy, legal and institutional frameworks around security, peace building and conflict management. The strategies envisioned include the promotion of public private cooperation and civilian/ community involvement for improved safety and security.<sup>73</sup> The vision does not however, include regional security in the long term dream.

Kenya’s constitution is state centric with regard to security. Article 238 defines national security as the protection against internal and external threats to Kenya’s territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests. The principles of security in Article 239 are also statist in nature and bear no consideration of the region. However Article 240 attempts to respond to regional security by recognizing the deployment of national forces outside Kenya for regional or international peace support operations.<sup>74</sup>

### **Tanzania**

Tanzania’s national interests are built on three pillars: political, socio-economic and military as defined from its defence, foreign and economic policies. The country aspires to graduate from a least developed country to a middle income country with high level of human development by 2025. Tanzania has enjoyed political stability since independence. However, the country has been rated among the poorest countries in the world and this has been a great challenge to its development since the 1990s. 40% of the country’s population is estimated to live below the poverty line and survive on less than US\$ 2 per day.<sup>75</sup>

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<sup>73</sup> Government of the Republic of Kenya, *Vision 2030* (The Popular Version, 2007), P.25

<sup>74</sup> Government of Kenya, *The Constitution of Kenya*, 2010, P.152-4

<sup>75</sup> Zaipuma O.Y., *ICT as Tools for Poverty Reduction*, (Dares Salaam: Tanzania Telecommunications Company Limited, 2005), p.43

The main targets for the country's vision 2025 launched in 1997 include: achieving a high quality livelihood for its people, attaining good governance through the rule of law, attaining peace, stability and unity, having a well educated and learned society, building a strong and competitive economy capable of producing sustainable growth and shared benefits.<sup>76</sup>

The Republic of Tanzania adopted a new foreign policy in 2001 to reflect the changes in the domestic, regional and international arena. This change saw the policy's focus directed at economic diplomacy and building a strong economy. The change also saw the defence and foreign policies incorporated as an essential component of the national security and economic development strategies. The country has therefore, cultivated good relations with her neighbours and has also been actively involved in the peaceful resolution of disputes in the Great Lakes region. Its main foreign policy concern was the hundreds of refugees who had fled there to escape the wide spread violence from Rwanda genocide in 1994.<sup>77</sup>

Tanzania's perceptions of its national security strategy have been influenced by real and potential local conflicts, conflicts in the Great Lakes region and also international terrorism.

#### **1.6.5 The Regional Security Environment**

The EAC is embedded between the Horn of Africa and the Great Lakes Region. The location presents the Community with both challenges and opportunities for creating an enabling environment for economic development and stability. For instance, the

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<sup>76</sup>The United Republic of Tanzania, Vision 2025,(Dares Salaam: Government of the Republic of Tanzania,1997), pp 12-14

<sup>77</sup> Maundi,M.O, " Tanzania" in Cawthra,G., et al, (eds.), *Security and Democracy on Southern Africa*, (Johannesburg: Wits University Press,2007),P.204



realization of customs and common market by the Community forms a firm basis for the enhancement of human development within the region. Despite these achievements, there still exist challenges in the realization of a comprehensive peace and security framework in the region. Efforts by the Community towards the incorporation of socio-economic and security activities are therefore hindered by several factors, that include under developed institutional structures and competing national interests.<sup>78</sup>The regional environment is characterized by a number of issues some of which are discussed in this section.

The Eastern Africa region continues to experience one of the worst humanitarian crises in the world due to drought, famine, floods and poor harvests. Food production is unlikely to keep pace with overall demand within the Eastern Africa region due to the high rate of population growth. According to the recently released African Human Development Report 2012: *Towards a Food Secure Future*, food under-nourishment prevalence in Eastern Africa between 2006 to 2008 was as follows: **Burundi 62%**, Ethiopia 41%, Eritrea 65%, **Kenya 33%**,**Rwanda 32%**,**Uganda 22%** and **Tanzania 34%**.<sup>79</sup> Food insecurity in Eastern Africa threatens a sizeable portion of the population and is a cause for major concern as it is a recipe for continued underdevelopment and source of conflicts.

The availability of abundant oil and gas deposits in South Sudan, the Sudan, Uganda, Kenya and Somalia, together with the presence of natural gas in Tanzania, Burundi and Rwanda provides a new opportunity to spur economic development in the Eastern Africa region. The discovery of oil and gas in the region if not managed properly

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<sup>78</sup> Francis Onditi, *Development or Security" The Dilemma of Policy Prioritization, Institutional Coordination, and Sequencing of Integration in East African Community*, Occasional Paper Series 1 No.4 (International Peace Support Training Center, Karen , Kenya,2010), P.iv

<sup>79</sup> Africa Human Development Report 2012: *Towards a Food secure Future* - UNDP Regional Bureau for Africa, New York. P.158

however, could mark the beginning of conflicts triggered by territorial disputes over control of resources. Kenya, Somalia, Tanzania, Zanzibar, South Sudan and Uganda are all engaged in arguments over borders which have intensified with the discovery of minerals. Tanzania is currently engaged in a dispute with Malawi over oil and gas exploration in Lake Nyasa. There have also been disputes between the Union Government and that of Zanzibar over whether oil and gas should be a Union issue.<sup>80</sup>

Kenya and Somalia are also involved in a dispute over the maritime border. Kenya argues that the border should run East parallel to the line of latitude while Somalia insists that it should run perpendicular to the coastline. Somalia further accuses Kenya of illegally licensing oil exploration companies to prospect for oil and gas in the zone, an area that is anticipated to hold significant offshore hydrocarbon resources.<sup>81</sup>

The proper management of these critical resources will therefore, be necessary to ensure that the “oil curse” is avoided. The proposed Regional Security Strategy could for instance factor in the need for the establishment of an organization modeled in the framework of the Oil Producing and Exporting Countries (OPEC) to promote the region’s bargaining power in marketing the oil products. In addition, the security strategy should ensure joint infrastructure development projects such as refineries, oil pipelines and transport corridors for economic viability and cost sharing.

Terrorism is another security threat facing the region.<sup>82</sup> Kampala suffered a terrorist attack in July 2010 which killed seventy six people and wounded eighty five others. Al-Shabaab, a terrorist group based in Somalia, claimed responsibility for the attack,

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<sup>80</sup> “Simmering Border Disputes in Battle to Control Oil and Gas”, *The East African*, Nairobi, August,25-31,2012,Pp.4-5

<sup>81</sup> Ibid

<sup>82</sup> Report of the International Expert Group on Piracy off the Somali Coast, Nairobi, 21 November 2008, pp.14-30

asserting that it was in response to Uganda's support for AMISOM, the UN-approved regional peacekeeping mission mandated to support the Somali Transitional Federal Government in restoring order in Somalia.<sup>83</sup> Such terrorist attacks raise fears of increased human insecurity and regional instability, and deal a significant blow to economic-development prospects in the region.

The ability of Al-Shabaab and other terrorist organizations to operate and strike throughout Eastern Africa is in part the result of the region's porous borders, weak government structures, and inadequate judicial and law-enforcement mechanisms aimed at combating these dangerous and lawless groups. Not only does the terrorism challenge in Eastern Africa threaten the basic security of local citizens, it also derails economic development initiatives and damages the region's tourism industry.<sup>84</sup>

To combat the terrorism threat in the region, countries have, to varying degrees based upon political will and local capacities, enacted an array of counterterrorism measures. Uganda passed the Suppression of Terrorism Act in 2002, while Tanzania passed its Anti-Terrorism Law in 2003. Several attempts were made to enact such an Act in Kenya but the passage of an anti-terrorism bill met stiff resistance in Kenya's Parliament.<sup>85</sup> It was only in 2012 that that anti-terrorism bill sailed through.

Despite progress made by each of these countries, there is still concern that anti-terrorism laws remain inadequate and, more importantly, that capacity shortfall in law enforcement, intelligence gathering, the judicial process, and the sharing of information may hinder the effectiveness of newly implemented initiatives and leave

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<sup>83</sup> Brian Finlay, Johan Berganas and Veronica Fessler, *Beyond Boundaries in Eastern Africa: Bridging the Security Development Divide with International Security Assistance*, (The Stimson Centre and the Stanley Foundation, 2011), P.19

<sup>84</sup> Ibid P.20

<sup>85</sup> Brian Finlay, Johan Berganas and Veronica Fessler, *Beyond Boundaries in Eastern Africa: Bridging the Security Development Divide with International Security Assistance*, Ibid P.21

local residents vulnerable to the persistent terrorist threat. This study's therefore, advocates for a regional counter terrorism approach to be incorporated in the proposed regional security framework.

While the EAC has made significant progress in economic progress, peace and security remain a challenge. Though the African Union Mission to Somalia has registered success in dismantling Al Shabaab, Kenya and Uganda continue to face terrorists' threats from the group. Kenya for instance, has suffered several grenade attacks since its military incursion in Somalia. Fears were also rife in the region that the country would experience violence in the March 2013 elections. This fear was rooted in certain worrying trends in the country such as the inter-ethnic clashes in Tana River and the tension created at the Coast by the secessionist Mombasa Republican Council (MRC). Worse still, some of the issues that ignited the 2008 post election violence such as youth unemployment, poverty and negative ethnicity, still linger.<sup>86</sup>

The Westgate Shopping Mall terrorist attack on Saturday 21<sup>st</sup> September, 2013 exposed Kenya's weakest link in its global economic competitiveness; its economic security. The global competitive index released in September 2013, ranked the country at position 96 due to the significant strides made in the financial markets, quality of education, governance of its institutions and innovations in the mobile phone sector.<sup>87</sup> Security however, remains the country's underbelly. In this area, the country was ranked 131 out of 148 in the survey that looked at the business costs of

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<sup>86</sup> The East African Editorial Commentary, January 5-11, 2013, Nairobi,P.16

<sup>87</sup> Emmanuel Were and Kagure Gacheche, "Attack on Westgate Exposes Economy's Achilles' Heel" The Standard Business Beat Magazine 24<sup>th</sup> September, 2013 Pp.8-9

terrorism, crime and violence, organized crime and the reliability of the police force.<sup>88</sup> This attack has been viewed as a direct assault on the country's national security and one that will test its resolve in going after Al-Shabaab in Somalia.

In Uganda, it may be argued that the Lord's Resistance Army is no longer a threat. However, its continued plunder and seizure of captives in the tri-border areas of DRC, Central African Republic and South Sudan poses serious security threats to the region.<sup>89</sup> The tension in Sudan and South Sudan also pose a threat to the region's security. Skirmishes have continued between the two countries over the outstanding post-referendum issues. South Sudan was not able to resume oil production in November, 2012 after Khartoum presented fresh demands that Juba disarms the Sudan People's Liberation Movement (SPLM).<sup>90</sup>

The situation in the Great Lakes region also raises security concerns for the region. A case in point is the conflict in the eastern DRC pitting the state and the M23 rebels who Rwanda has been accused of supporting. SADC during its 32 Summit in Maputo sent a strong warning to Rwanda that its support for the rebel movement constituted a threat not only to Congo but the whole South African Region. By this declaration, SADC was making a case for a military intervention in line with its mutual defence pact.<sup>91</sup> Such a move would have far reaching implications for the region's security. The Democratic Forces for the Liberation of Rwanda (FDLR) operating in the eastern DRC also threaten the security in Rwanda. Burundi on the other hand continues to grapple with political instability occasioned by the disputed 2010 elections that were

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<sup>88</sup> Emmanuel Were and Kagure Gacheche, "Attack on Westgate Exposes Economy's Achilles' Heel" Ibid Pp.8-9

<sup>89</sup>The East African Editorial Commentary, Op cit P.16

<sup>90</sup>The East African Editorial Commentary, Ibid

<sup>91</sup> Kigaambo Gaaki, "Why Kampala, Kigali and Luanda Pulled the Plug on D.R Congo Protagonists". *The East African*, Nairobi, December, 1-7, 2013, P.8

boycotted by the opposition. The country has since then experienced intermittent attacks on civilians by armed groups seeking to oust the government.<sup>92</sup>

Though Ethiopia saw a smooth transition after the death of the former Prime Minister, Meles Zenawi, the prevailing tension between Addis-Ababa and Asmara and the Ogaden rebels who harbour secessionist claims, offer security challenges for the region. To surmount these challenges which continue to threaten the lives of the region's citizens, the EAC needs to embrace a regional centric approach to security. This study offers such an approach.

#### **1.6.6 Opportunities to Create a Common Security Agenda**

The EAC is characterized by the following strategic features which provide a good argument for the creation of a common security agenda:

Almost all the major threats to security of people and the states derive from the internal rather than external factors. The fact that the threats are not external is an added advantage in the sense that states should be able to control and deal with threats of their own making. The most serious security problems are political, social, economic and environmental rather than military in origin and character. Although they may give rise to violence, leading to the deployment of police and possibly even the armed forces, their solutions lie in socio-economic development and the consolidation of democracy.<sup>93</sup>

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<sup>92</sup>The East African Editorial Commentary, Op Cit P.16

<sup>93</sup> An interview with EAC Security Expert Conducted on 18<sup>th</sup> August,2012

Certain critical issues such as refugees, environmental destruction, the depletion of natural resources and the proliferation of small arms are common to many countries and transcend national borders. Addressing them will therefore, require a high level of collaboration not only among member states but in the wider world community.<sup>94</sup> The bloc also possesses the potential to improve its existing institutions and create structures to maintain peace, promote economic and social advancement and ensure a future that offers the citizens of the region better prospects.

There also exist an opportunity for the bloc to assess the common values around which the region's ancestors united. The cultures and languages of the region are interconnected and the common historical experiences of the region's peoples, their common problems and aspirations, remain a firm and enduring foundation for common actions to promote regional economic welfare, collective self reliance and integration in equity and partnership.<sup>95</sup> These opportunities can be turned into strategies upon which EAC can create a common agenda for peace, human security and conflict prevention in the region.

### **1.7 Methodology**

The nature of this study informed the methodology adopted. The study therefore, employed a qualitative approach to explore the existing security arrangements in the EAC region and challenges faced in developing a regional security strategy. The study relied on data collected through primary and secondary sources with a strong emphasis on the latter in order to supplement the information gathered through personal interviews. Secondary data was collected from various books on regional security strategy formulation, treaties, declarations and policy instruments, Journals,

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<sup>94</sup> Ibid

<sup>95</sup> Ibid

previous research papers, magazines, news papers and articles on the subject. Primary data was collected using select interviews with policy makers in the security sector in the region. Underlying this was the fact that the policy makers were deemed to be the core actors in the region's security issues and could therefore, provide up-to-date information. The data was analyzed using qualitative approaches.

## **1.8 Definition of Concepts**

### **1.8.1. Regional Integration**

This study defines regional integration as a process by which states within a particular region increase their level of interaction with regard to economic, security, political, and also social and cultural issues. The degree of this integration depends upon the willingness and commitment of independent sovereign states to share their sovereignty. Deep integration that focuses on regulating the business environment in a more general sense is faced with many difficulties. The study therefore adopts an integration characterized by increased levels of interactions among the member states with regard to economic, security, political and socio- cultural issues.

### **1.8.2. Security**

Security is defined from Ken Booth's perspective who argues for an understanding of security with people rather than states as its referent object. "Security means the absence of threats. Emancipation is the freeing of people (as individuals or groups) from those physical human constraints which stop them carrying out what they would freely choose to do. War and the threat of war is one of the constraints, together with poverty, poor education, and political oppression. Security and emancipation are two sides of the same coin. Emancipation not power or order produces true security.



Emancipation theoretically is security.”<sup>96</sup>As Booth argues the EAC must begin thinking about security from people and not from the states; Individual humans are the ultimate referent.

### **1.8.3. Human Security**

The study adopts the United Nations Development Programme’s conceptualization of security where the individual is the referent object. It refers to safety from such chronic threats as hunger, disease and repression. It connotes protection from sudden and hurtful disruptions in the patterns of daily life.

### **1.8.4. Security Dilemma**

This is a structural notion in which the self-help attempts by states to look after their security needs tend regardless of the intention to lead to rising insecurity for others as each interprets its own measure as defensive and the measures of others as potentially threatening.<sup>97</sup>

### **1.8.5. Regional Security Complex**

The study adopts Buzan’s definition of a regional security complex. This is a group of states whose primary security concerns link together sufficiently closely that their national securities cannot be realistically considered apart from one another. According to Buzan such complexes emphasize the interdependence of rivalry as well as that of shared interests.<sup>98</sup>The relational nature of security makes it impossible to understand the national security patterns of a state without a firm understanding of the

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<sup>96</sup>Ken Booth, “Security and Emancipation,” *Review of International Studies*, Vol. 17 (1991), P. 319

<sup>97</sup> John Baylis and Steve Smith, *The Globalization of World Politics* cit p 257

<sup>98</sup>Buzan, B., *People, States and Fear*. Op citP.190

regional security in which it exists. This study therefore, perceives the East African community region from the context of a Buzanian security complex.

### **1.9 Outline of the Study**

The entire study comprises five chapters. The first chapter gives a general background of what constitutes the central problem of the study and also outlines the statement of the problem and the hypothesis to guide the study. The objectives of the study and its justification are also highlighted in the chapter. The key concepts underlying the study are outlined to clarify their meanings and application. The conceptualization given in the chapter sets out the basis on which an effective regional security strategy is developed.

Chapter two provides a highlight of the underlying issues in the EAC integration process and also a historical context of the region's security framework. This is done in order to clearly understand the fundamental issues that create impediments to the formulation of a regional security strategy discussed in the next chapter. This chapter therefore, provides the bridge between chapters two and three.

The study's third chapter responds to the first question of the study; why despite the obvious security threats in the EAC and the provisions made in Articles 5,123,124 and 125 of the EAC treaty have the partner states failed to develop a common security strategy? The chapter therefore, comprehensively examines the underlying impediments to the formulation of a common security strategy in the EAC.

Chapter four responds to the second question of the study; to what extent does the absence of a common security strategy impede the intensification of the integration process? The chapter critically examines the stages of EAC integration and argues

that the limited levels of integration achieved could be attributed to the failure to develop a common security strategy in the EAC.

Chapter five anchors a recapitulation of the three core objectives and the two working hypotheses with a view to determining the extent to which the study has fulfilled its tasks. The chapter also anchors the conclusion and thesis and finally provides research based recommendations.

## **CHAPTER TWO**

### **EVOLUTION OF SECURITY COOPERATION IN THE EAC**

#### **2.0 Introduction**

This chapter seeks to ask the hard questions about the evolution of security cooperation in the East African Community. To clearly understand the hurdles encountered in this path, there is need to understand the underlying issues in the integration process. A historical context of the region's governance structures vis-à-vis the security framework is also important in order to appreciate the variables underlying decisions taken by various actors in the security arena. On paper there appears to a lot of political will to establish a community anchored in an environment of peace and security, but is political will enough to bring it about? Do conditions exist in the region for the establishment of a common security policy? What challenges exist that may impede this noble process? How may these challenges be overcome? Are there internal peculiarities, within the five partner states that may militate against the establishment of the common security policy? Have the factors that led to the collapse of the former EAC in 1977 been acknowledged and addressed? Is the state centric conceptualization of security at the national level a hindrance to the realization of a functional regional security strategy? To get to the bottom, of the issues that create impediments to the formulation of regional security strategy examined in the next chapter, answers to these questions must be sought. This chapter is therefore designed to provide the bridge. The underpinning assumptions in the chapter are: that the nexus between security and development have not fully taken root in the region and mistrusts and suspicions rooted in the collapse of the first regional cooperation efforts still linger.

In the past, Kenya, Tanzania and Uganda enjoyed a long history of co-operation under successive regional arrangements, including: the Customs Union between Kenya and Uganda in 1917, which the then Tanganyika later joined in 1927; the East African High Commission (1948-1961); the East African Common Services Organization (1961-1967) and the East African Community (1967-1977). The completion of the Uganda Railways from Mombasa (Kenya) to Kampala (Uganda) by the British colonial administration (1895-1903), set the stage for **Phase I** (1903-1947) of the formal socio-economic and political cooperation and integration in the region.<sup>99</sup> It was however, the formation of the East African High Commission (EAHC) (1948-1961) that ushered **Phase II** of a more structured cooperation. The EAHC was the corporate judicial body set by the colonial Office for the three Governors of Kenya, Tanganyika and Uganda. In addition the colonial office also created the East African Central Legislative Assembly (EACLA-1948), also known as the Legislative Council (LEGCO), as the main decision-making. The two, EAHC and EACLA eventually emerged as the key decision-making bodies with functional responsibilities in the region.<sup>100</sup>

The restructuring of EAHC in 1961, into the East African Common Services Organization (EACSO) set in motion **Phase III** (1961-1967) of the East African regional cooperation, broadening the scope for the administration and operationalisation of the common services. The persistence of the market inequalities

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<sup>99</sup>Adar, Korwa G. "East African Community," in Giovanni Finzio et al, (ed.) *The Democratization of International Organizations: First International Democracy Report 2011*(Centre for Studies on Federalism) P.3

Okello D., *East African Integration, Dynamics of Equity in Trade, Education Media and Labour.*

Op Cit, P. xv

<sup>100</sup>Adar, Korwa G. "East African Community," Ibid p.3

coupled with the centralization of most of the headquarters of the common services in Nairobi, Kenya, continued to pose structural challenges to the EACSO, creating a centre-periphery relations in the region.

These enduring historical structural challenges, among other reasons, necessitated the re-conceptualization and restructuring of the EACSO into the East African Community 1 (1967-1977) which marked the beginning of **Phase IV** of the cooperation efforts. The Treaty establishing the first East African Community acquired the force of law in December 1967. This treaty broadened the scope of the economic and political integration responsibilities of the EAC 1. The community however, disintegrated in 1977 due to the political, economic, institutional, structural and personality conflicts. The quest for cooperation was not however, lost. The treaty establishing **Phase V** of the East African regional integration was signed in 1999 by three member states, Kenya, Uganda and Tanzania. The EAC 2, treaty entered into force on 7th July 2000 after its ratification by the member states.<sup>101</sup>

The chapter is divided into three broad parts. Part one provides the historical background of the region's cooperation efforts, that is, **Phase I, Phase II, and Phase III** under pre- EAHC, the EAHC and EACSO frameworks. Part two examines the defunct EAC (1967-1977) which for the purposes of this study shall be referred to as EAC 1. More specifically, part two assesses the link between security and the cooperation efforts of the EAC during the **Phase IV** period. Part three focuses on the revival of the EAC which for the purposes of the study shall be referred to as EAC 2. The analysis of the EAHC, EACSO and the EAC 1 governance structures and their operational functions will provide a useful basis for contextualising the evolution of

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<sup>101</sup> Adar, Korwa G. "East African Community," Ibid

Phase V of the 2000 EAC 2 governance structures as well as their impediment to the realization of a common security policy in the region.

## **2.1 The EAHC and EACLA: Governance Structures and Security**

The communities in East Africa have coexisted as peaceful and cooperative societies for a long time. However, seeds of mistrust and divisions were planted by the colonial government and the post ruling elites. The advent of the Europeans at the East African Coast and the Berlin conference of 1884 that partitioned Africa heralded the emergence of colonialism, which divided the communities into territorial territories under the British and the Germans.<sup>102</sup>

The consolidation of the colonial rule necessitated security integration. The British colonial government therefore, established a security framework in the region as early as 1887 by forming the Central African Rivals (CAR). This was followed by the inauguration of the first military unit of the protectorate; the British Indian Company, in 1902. The unit later became the third battalion of the Kings African Rifles with its headquarters at Fort Jesus.<sup>103</sup> This force was expanded during World War I and World War II with new units being stationed in Uganda and Tanganyika under one East African Command. Through this arrangement, the colonial government secured the entire East Africa territory from both internal and external threats.

During the EAHC and EACLA period, cooperation in the region acquired three pronged and competing viewpoints namely, economic cooperation, political

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<sup>102</sup>Steven Spiegel., et al. *World Politics in a New Era.* (Wadsworth, Belmont,2004),P.541

<sup>103</sup>Timothy H.Parsons ., *The African rank- and- file: Social Implications of Colonial Military Service in the Kings African Rifles, 1902-1964*(Portsmouth, N.H: Heinemann,1999)

cooperation, and decolonization advocated mainly by the Governors, the settlers, and African nationalists respectively. The EAHC consisted of the Governors of the three colonies, Kenya, Tanzania and Uganda, with an Administrator, Commissioner for Transport, Finance member, and Postmaster General as its principal executive officers. The EACLA, on the other hand, comprised of seven ex-officio members, three nominated official members, and thirteen unofficial members respectively.<sup>104</sup> However, the direct linkage of the three colonial territories with Britain undermined the autonomy of the EAHC.

## **2.2 EASCO Governing structures and Security**

The three East African counties inherited the East Africa Common Services Organization at independence. The EACSO was transformed in 1961 with a view to accommodating the East African presidents to replace the Governors once the territories acquired their sovereignty. The organization had three main organs namely, the East African Authority, the Central Legislative Assembly, and the Triumvirates. The East African Authority, the supreme organ of the EACSO, was responsible for, among other things, assenting to the bills passed by the Central Legislative Assembly, the legislative organ.<sup>105</sup> The Triumvirates, comprising of five Ministerial Committees, the main policy-making organs of the organization, as well as the Secretariat headed by the Secretary-General, were new innovations, providing a clear departure from the EAHC's operational structure. The Triumvirates included the Communication, Finance, Commercial and Industrial Coordination, and Labour Committees. The other

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<sup>104</sup>Ingrid D Delupis, *The East African Community and Common Market*, (London: Longman, 1970), Pp;27-8

<sup>105</sup>Ingrid D Delupis. 1970. *The East African Community and Common Market*, IbidP.43



governance structures included the Common Services of the EACSO and the Court of Appeal for Eastern Africa.<sup>106</sup>

These developments notwithstanding, common market inequalities, disparities in the existing infrastructure, elite egoism, ideological and conflicting political views emerged and threatened to tear apart EASCO. It was however salvaged by the negotiations that led to the establishment of the East African Community on 3<sup>rd</sup> June, 1967.<sup>107</sup> This arrangement did not however, last long. Uneven distribution of economic infrastructure in the region, differences in perception of the best road map for development and the prevailing cold war in the international system, created differences among the leaders. Insecurity, fear, mistrust, selfishness and greed eventually led to the collapse of the Community in 1977.<sup>108</sup>

### **2.3 Broadening the scope of Cooperation: The Journey from EAC 1 to EAC 2**

The aspirations for regional cooperation in East Africa acquired individual sovereignty and legitimacy in the post-colonial state in the 1960s driven largely by the Pan-Africanist East African leaders, Jomo Kenyatta, Julius Nyerere and Milton Obote. The three leaders initially showed an inclination towards political federation as a springboard for regional integration. This decision was influenced by two main factors; similar historical experiences and Pan-Africanist aspirations sweeping the continent at the time of decolonization. However, the independence national interest realities undermined the drive for political federation<sup>109</sup>.

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<sup>106</sup> Ibid

<sup>107</sup> Bethwell A. Ogot & William R. Ochieng., *Decolonization and Independence in Kenya: 1904-1993*. (East African Educational Publishers: Nairobi, Kenya, 1995), P.108

<sup>108</sup> Preamble to the Treaty for the Establishment of the East African Community: Para 4,P.1

<sup>109</sup> Adar, Korwa G. "East African Community," Op cit p.6

Realizing that political federation objective was not achievable, the East African political and ruling elites under the leadership of Kenyatta, Nyerere and Obote reconceptualised their strategy by opting for economic-driven neo-functionalist-cum – functionalist regional integration process. Consequently, the leaders in 1967 signed the East African Cooperation treaty, which established the EAC 1, with economic cooperation as the driving force.<sup>110</sup> Specifically, in Phase IV, the integration process in the East African region was guided by the principle of joint ownership of common services as the key to the EAC operational functions.<sup>111</sup>

Security cooperation collapsed at the attainment of independence when each country established its own armed forces. The forces became territorial and were to serve the interests of their respective states. There was no common security framework when the EAC 1 was formed. In addition to this, there was no clear framework for conflict resolution among the member states. These gaps saw an emergence of a high level mistrust, suspicion and differences of opinion, which manifested themselves beyond ideological or economic quarrels.

This mistrust was intensified by the toppling of Milton Obote from power by Idi Amin in 1971. This coup threw spanners into the integration process. The deteriorating inter-state relations especially between Uganda Tanzania meant that the EAC apex organ, the Authority of Heads of State and Governments could not meet to iron out differences. Amin's claim of parts of Kenya led to the closure of the border between the two countries. Furthermore, the instability and chaos in Uganda meant

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<sup>110</sup>Adar, Korwa G. "East African Community," Ibid p.7

<sup>111</sup>Adar, Korwa G. 2005. "New Regionalism and Regional Reconstruction: The Case of the East African Community." *Politeia* 24(1): P.37

that the safety of the Community's employees could not be guaranteed. These unfolding events hastened the disintegration and collapse of the EAC 1.<sup>112</sup>

### **2.3.1 EAC 1 Institutional Framework and Security**

As cited earlier in this study, the Treaty for East African Cooperation came into force on 1 December 1967. This treaty was significant in many ways. First, it placed the common market and the common services within one framework, and also gave the former a solid legal foundation. Secondly, it made provisions aimed at achieving equitable distribution of cost and benefits. Thirdly, it created a number of community organs to coordinate activities and also give executive direction. In this regard, it provided for a Community Minister who was appointed by each state to promote the Community's interests and project its viewpoints in his or her own cabinet. This experiment at integration failed in 1977 for various reasons, one of them being the discontent that Kenya was benefiting from the co-operation more than other Community states.<sup>113</sup>

Under this treaty, the East African Common Market (EACM) operational functions were institutionalized, establishing four economic cooperation related regimes: the Common external tariff regime, Inter-territorial trade regime, Protection of EAC trade regime and the Transfer tax regime.<sup>114</sup> This arrangement was meant to address the historical economic imbalances through the promotion of balanced regional development.

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<sup>112</sup> Ngila Mwase, "Kampala's Long Rewarding Walk to the East African Community" *The East African*, October, 6-12, 2012, P.10

<sup>113</sup> Ojo et al. *African International Relations*, (London: Longman, 1985), P.158

<sup>114</sup> Adar, Korwa G. "East African Community," Ibid p.9

The envisaged impact of economic co-operation on the EAC integration process with inherent spill-over effect did not however, withstand the intra-and inter-national complexities and differences, culminating into the disintegration of the regional organization in 1977. More specifically, the centralization of decision-making process within the Authority and reliance on the harmonious relations between the heads of state and government undermined the effectiveness of the other governance structures encouraging national-oriented pursuit of interests as opposed to EAC interests.

The EAC 1 governance structure did not conceptualize the nexus between security and economic cooperation. The treaty did not therefore make provisions for a common security policy. Other than the quest for economic cooperation, there were no common values around which the member states came together. Each state pursued its own national interests and the organization's key decisions depended on the whims of the political leaders.

Further still, ideological differences became clear with Kenya embracing capitalism, Tanzania opting for socialism in the form of *Ujamaa* while Uganda was oscillating between capitalism and socialism through President Obote's political and economic blueprint; the common man's charter.<sup>115</sup> The block eventually collapsed in 1977, with the three countries descending into bitter scramble for its property. To date suspicions of Kenyans by the Tanzanians for having grabbed most of the properties linger. This may partly explain the country's total rejection to make land part of the EAC's shared resources.

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<sup>115</sup> Fred Olouch, "Leaders Launch Economic Bloc". The Daily Nation. DN2 Magazine Nairobi, 29<sup>th</sup> July, 2013, P.4

### 2.3.2 EAC2 Institutional Framework and Security

It is worth noting that the desire for EAC unity even at the time of its winding up was still strong. The then leaders of the three Partner States, Presidents Julius Nyerere (Tanzania), Daniel Moi (Kenya) and Milton Obote (Uganda) in Article 14 of the Agreement for Division of Assets and Liabilities of the former EAC signed in Arusha in 1984, committed to explore and identify further areas of cooperation. Arising from this commitment, fresh attempts to revive the East African integration commenced in 1992. The treaty for the establishment of the new EAC was consequently, signed on 30<sup>th</sup> November, 1999 by the three original member states; Kenya, Uganda and Tanzania. The treaty came into force in the year 2000 marking a major mile stone in the revival of the integration process. Two new member states, Rwanda and Burundi assented to the treaty and became full members of the community in July 2007.<sup>116</sup>

The subsequent chapter identifies and analyses the treaty and the governance structures of the EAC with a view to determining their conceptualization of the nexus between security and development. However, before embarking on this, it is necessary to put into perspective the objectives of the EAC, as set out in Article 5 of the treaty. The objectives take neo-static and neo-functionalist characteristics. First, the treaty empowers the Community to broaden the scope of cooperation among the EAC member states in socio-cultural, economic, political and security issue areas.<sup>117</sup> Secondly, this development objective is envisaged to take an incrementalist process

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<sup>116</sup>Okello D., *East African Integration, Dynamics of Equity in Trade, Education Media and Labour*. Op Cit P. xvi

<sup>117</sup>The East African Community Treaty Op Cit. P.12

starting with a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation.<sup>118</sup>

This study argues that causes and the disastrous effect of the regrettable collapse of EAC 1 in 1977 can be attributed to peace and security factors. It was therefore, perhaps with this realization, that the EAC 2 had a solemn commitment to good neighbourliness, good governance and peaceful resolution of conflicts as the cornerstones of sustainable regional integration and development.<sup>119</sup> EAC 1's focus was on the administration of common services but in EAC 2 trade occupies the centre stage. In the previous arrangement the governments did everything. EAC 2 however, anticipates a people centered and private sector driven integration process. It is in this respect that the study argues that security cannot be overlooked in the EAC integration process. There is need to create a security framework that would ensure that all economic and social agendas are carried out and unimpeded.

This study aims at finding out the obstacles to the formulation of a common security policy in the EAC and also examine whether the limited intensification in the integration process is linked to the failure to formulate such a framework to anchor the integration process. Other studies carried out on the EAC integration process have highlighted factors that may inundate the process. Katumanga for instance, argues that in view of the incongruent levels of development in the region, coupled with conflicts

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<sup>118</sup>Ibid P.13

<sup>119</sup>East African Community, *EAC Update: Progress Achievements and Benefits of the East African Community*, EAC: Arusha, Tanzania 2009) P.27

and insecurity, the private sector model adopted may not be effective in promoting and deepening political integration.<sup>120</sup>

Mohiddin on the other hand, calls for competent and committed leadership armed with political will to strive to attain the ultimate political objectives. He also argues that the people should be empowered through provision of relevant information and knowledge pertinent to achieving the political objectives.<sup>121</sup>

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<sup>120</sup>Musambayi Katumanga, "Conclusion: Towards Shirikisho La Afrika Mashariki: Some alternative Thoughts" in Mohiddin, A. (Ed.) *Deepening Regional Integration of the East African Community: Development Policy Forum (DPMF)* (ECA, Addis Ababa 2005), Pp. 281 -287

<sup>121</sup>Mohiddin, A. *Deepening Regional Integration of the East African Community: Development Policy Forum (DPMF)* (ECA, Addis Ababa 2005),

## **CHAPTER THREE**

### **FORMULATION OF REGIONAL SECURITY POLICY: THE HURDLES**

#### **3.0 Introduction**

Having looked at the broad picture informing the conditions that existed in the region and the desire for cooperation, it makes it a lot easier to draw attention to the main tasks of this study. This chapter responds to the first question of the study; why despite the obvious security threats in the EAC and the provisions made in Articles 5,123,124 and 125 of the EAC treaty have the partner states failed to develop a common security strategy? The chapter is undergirded by the first objective of the study which seeks to examine and analyze the factors explaining the failure to develop a common security strategy in the EAC. To this extent the chapter argues that there exist impediments in the political and economic realms.

The chapter is divided into two parts. Part one examines the impediments in the political realm. This part critically analyses the process of state formation in the EAC region, the EAC treaty and its institutional framework. This part also examines the state actors' conceptualization of security. Part two on the other hand, examines the impediments in the economic realm. It particularly examines the challenges posed by the overlapping membership in regional economic communities and the missing link between security and the bloc's economic development agenda.

#### **3.1 Security and State Formation**

There is an emerging consensus among policy makers that effective states are the key to regional security and development. Any successful regional initiatives to eliminate poverty, disease, transnational crime and terrorism, require capable and responsible states as partners. In the international system, nation-states agree to



satisfy certain specific conditions of statehood that include: the acceptance of only one defined authority in a defined territory; exclusive power to make and enforce laws; and to ensure a match between authority and territory. These conditions confer upon states independence from other states and also allow them to engage with other states on equal terms.<sup>122</sup>

The assumption here is that this capacity should effectively produce the Weberian state. One of the core defining characteristics of such a state is the absolute monopoly of the legitimate use of force within a given territory. Additionally, the Commission for Africa argues that at the heart of the proper function of states and government is the establishment of an economic environment that encourages investment. This implies basic functions such as providing security, setting sound economic policies and under the law, collecting taxes and delivering adequate public services like education and health.<sup>123</sup>

The modern state in Africa is not however, a product of such an evolutionary and institutionalizing process. Its origins can be traced to the colonial era during which the state and its institutions were designed to serve the colonialists. The situation did not change much at independence. Rather than engaging in state reforms, the emerging African elite inherited the same state structures and perfected their use to serve their exclusivist interests. As a result, African states were born lacking legitimacy; they were not historically embedded in domestic relations of power and domination, and they therefore suffered from a dichotomization between power and statehood. This situation explains why most African states lack very effective institutions making them instead to rely on the personalized networks of

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<sup>122</sup>Leah Kimathi, *Statehood in Eastern Africa and its Implications for Regional Peace and Security*. International Peace Support Training Centre, Nairobi, Kenya Issue Briefs. Issue No. 5 July, 2011, P.2

<sup>123</sup>Ibid P.3

patronage.<sup>124</sup>

According to Ludeki Chweya the emergence of the post-independence African state followed a different route from the states in Western Europe. He argues that these states underwent two stages of creation in quick succession that lasted approximately half a century. Firstly, the West European imperial powers partitioned the continent into over fifty relatively territorial political units on the basis of topographical, non-social map of the continent, a process which resulted in borders that transcended and transected pre-existing ethnic and political units.<sup>125</sup> This prepared ground for future conflicts within and between states. The second stage involved the establishment and exercise of centralized colonial, political authority over socially politically and most importantly, ethnically heterogeneous African communities in each colony. As a result of this process, the colonial legacy in the name of the “state framework” became the greatest source of insecurity between states in the light of numerous border disputes, irredentism, secessionism and ethnicity within states that also had implications for inter-state relations.<sup>126</sup>

On the other hand, Mohamed Ayoob argues that there is a specific link between the process of state building and the security problems of the third world.<sup>127</sup> These states were carved by the colonialists from a multitude of disparate communities. These communities had differing relationships with neighbouring communities spanning from trade, use of shared natural resources to intermarriages. Cooperation between the communities is therefore not a new concept. What is new though is the

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<sup>124</sup> Leah Kimathi, *Statehood in Eastern Africa and its Implications for Regional Peace and Security* Ibid P.3

<sup>125</sup> Ludeki Chweya, “Emerging Dimensions of Security in the IGAD Region”, in Mwangi, (eds.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004), P.38

<sup>126</sup> Ibid P.38

<sup>127</sup> Mohammed Ayoob, *The Third World Security predicament: State Making, Regional Conflict, and the International System*. Lynne Rienner Publishers :London (1995), P.28  
Ibid, P.28

effect of the modern state system which tends to emphasize the individuality of the state in contrast with the cooperation between communities. This is essentially a Westphalian creation which was born out of European communities having high level of individual community homogeneity and the desire to carve out state boundaries to correspond with community boundaries. This is not the case with African states, which can be considered at the present time to subsist between the stages of state formation and state consolidation.<sup>128</sup>

This is equally true of the EAC region where an overemphasis on the importance of national security in state building has become a main feature. The roots of security problems in the region include the lack of unconditional legitimacy for state boundaries, inadequate societal cohesion and the absence of societal consensus on fundamental issues of socio-economic and political organization. The challenge facing leaders in the EAC Partner States today is whether to accept integration before attaining individual state nationality or to delay the regional integration and concentrate on individual state consolidation until a predetermined level of homogeneity within the state is achieved. This paradox explains why regional integration is urgent and illusive at the same time. Inability of the states to garner sufficient resources necessary to galvanize the communities within the state to the state is one of the reasons why state consolidation has become illusive. Poverty erodes national unity and the poor distribution of the available meager resources engenders conflict and discontent. To gain public support, the state has to seek ways of broadening the resource base and one of these ways is cooperation with neighbouring states which equates to expanding the states resource base and hence the quest for regional integration.

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<sup>128</sup>Mohammed Ayoob, *The Third World Security predicament*: Ibid Pp. 23-28

This endeavour is however being undermined by the process of nationalism which the states in the region are engaged in. The Merriam Webster online dictionary defines nationalism as loyalty and devotion to a nation; especially a sense of national consciousness exalting one nation above all others and placing primary emphasis on promotion of its culture and interests as opposed to those of other nations or supranational groups.<sup>129</sup> Nationalism and regional integration are antagonistic to one another on three counts. First, nationalism aims at creating boundaries with each nation occupying a native home or territory while regional integration seeks to both undermine the territorial basis of a nation and facilitate the free movement of people. Secondly, while nationalism seeks to enhance cultural and other forms of identity, integration is a universalizing process, seeking to create new forms of identity or forms of citizenship not based on the nation state. Finally, nationalism seeks to enhance the sovereignty of the nation state while regionalism seeks to undermine it.<sup>130</sup> It is apparent that states in the region are not ready to cede sovereignty in order to pursue regional interests.

This problem is compounded by the apparent lack of common uniting values which are critical in determining regional peace and security efforts. This is best embodied by the democratic peace theory which argues that common democratic values in a given region to a large extent explain the sustained presence of peace and security.<sup>131</sup> Though regions need not be democratic to be peaceful, the argument made by the theory indicates the importance of normative congruence of political values in influencing the conduct of member states engaging in mutual relations.

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<sup>129</sup> <http://www.merriam-webster.com/dictionary/nationalism> accessed on 19th September, 2013

<sup>130</sup> Sallie Simba Kayunga, 'Deepening Political Integration of the EAC Countries: The Uganda Case,' in *Deepening Regional Integration of the East African Community*, Ahmed Mohiddin (ed.), Addis Ababa: DPMF Book Series, 2005, P.210-11

<sup>131</sup> S.M. Walt, 'International Relations: One World, Many Theories' *Foreign Policy*, No 110,1998,P.39

The treaty establishing the EAC is explicit that the community is founded on normative principles which are people-centered and market-driven and are based on mutual trust; peaceful co-existence; good governance; good neighbourliness; peaceful settlement of disputes; democracy, rule of law; and equitable distribution of benefits.<sup>132</sup> In spite of these provisions, the lack of common values is apparent in the region. States have divergent political systems which do not augur well for the formulation of a regional security framework. There is a mix of weak democracies and quasi-authoritarian systems. A common characteristic of these systems is that in varying degrees they have created policies which intensify human and state insecurities. These include marginalization of large segments of the population, militarized responses to opposition groups, electoral process manipulation and arming of non state actors.<sup>133</sup> Arising from this phenomenon, states have become generators of insecurities and most of the commitments they make at regional levels remain mere notions. Further, each partner State has a Constitution as the supreme law within the particular State, but whose provisions are not necessarily similar to those of other partner States.

Human rights remain one of the contentious questions in the EAC, particularly because of the volatile situation in the region. The partner states have at one point or another experienced internal instability, with the post 2007 elections violence in Kenya causing uncertainty on the country's political survival as well as that of the EAC. Two issues need to be put into proper perspective in order to understand the potential impact of the violence in Kenya if the situation was not resolved. First, as the economic driving engine of the EAC, unresolved conflicts in Kenya could have

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<sup>132</sup> EAC Treaty Article 3 P. 14 and Article 7 P.11

<sup>133</sup> M.Hill, 'Human Rights Challenges in the Horn of Africa', in Sthlm(ed), *Faith, Citizenship, Democracy and Peace in the Horn of Africa*. Lund: Media-Tryck,2008, P.65

had negative repercussions in the region, a potential disintegrative déjà vu for the EAC.<sup>134</sup>

The souring of the relations between Rwanda and Tanzania further illustrates the looming danger due the lack of common values. This was occasioned by President Kikwete's suggestion that Rwanda considers dialogue with the Democratic Force for the Liberation of Rwanda (FDLR) for the sake of regional peace and security.<sup>135</sup> President Kagame accused Tanzania of sympathizing with a genocidal force that has for the last 19 years been operating from the jungles of the Eastern DRC. In what appears to be a retaliatory move, the Rwandan refugees in Tanzania have been asked to leave the country. It is feared that this could worsen the relations between the two countries and ultimately have ramifications on the integration process.

Interviews conducted with various experts in security the region revealed that sovereignty that none of the partner states wants to cede has been a key impediment to the formulation of a regional security framework. There is also lack of a common approach in the execution of the regional security strategy arising from the conflicts of national interests being pursued by the partner states. In this respect, it is also doubtful if the partner states share any common values. It is also apparent that no particular organ has been assigned the responsibility of formulating the security strategy. This has therefore, seen various organs of the EAC such as the Summit,

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<sup>134</sup> Adar, Korwa G. "East African Community," Op cit p.29

<sup>135</sup> Edmund Kagire and Ignatius Suuuna, " Tanzania sends Rwandans Home, Relations Sour Further", The East African, Nairobi. August 10-16,2013 P.10

Sectoral Council, Coordination Committee, Sectoral Committees and the Secretariat all engaged in the regional security matters.<sup>136</sup>

The fact that the partner states have different levels of economic development and somewhat different political ideologies, have seen the levels of mistrust rise, further frustrating the quest for a common security strategy. The historical background of the EAC also appears to aggravate the situation. Perceptions still linger in the region that there was a disproportionate sharing of the community's resources after its break up in 1977.<sup>137</sup> This lack of trust amongst the partner states has hindered genuine cooperation and engendered fragility. As a result states cannot develop a comprehensive regional peace and security programme in the fear that such a programme would limit their unilateral security strategies. This explains the delayed operationalisation on the EAC Peace and Security Protocol.<sup>138</sup>

### **3.2 The EAC Treaty : Hurdles in Evolving a Common Security Policy**

The Treaty establishing the EAC is a contributing factor to the Partner States inclination to the traditional thinking on sovereignty. The Treaty establishes sovereign equality as a fundamental principle of the Community.<sup>139</sup> From a realist perspective, states are regarded as actors in the international politics but each represents its separate national interests in an anarchic world. The exercise of sovereignty demands that states have jurisdiction, power and authority internally and independently, and desire to act autonomously externally. The fear that looms is

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<sup>136</sup> Christopher, Imanene, Kenya EAC Defence Liaison Officer 2009-2011, Personal Interview, International Studies Course at NDC, Karen, Nairobi, June 2012.  
Dominic, Twesigomwe, Uganda Senior Military Officer, Personal Interview, International Studies Course at NDC, Karen, Nairobi, June 2012.

<sup>137</sup> Ibid

<sup>138</sup> An interview with an EAC Regional Security Expert conducted on 18/8/2012

<sup>139</sup> *The Treaty for the Establishment of the East African Community* Op cit, p.14

that this independence and autonomy will be eroded by the integration process.

As a result of this provision by the treaty, the EAC lacks the mandate to intervene in the internal affairs of member states. This has weakened its capacity to effectively deal with security issues. For this to be successful, a degree of de-territorialisation and some ceding of hard notions of sovereignty are needed. The EAC operates as much as member states want it and they are not willing to give it a supranational mandate. Consequently, enforcement mechanisms are lacking in the supposed peace and security architecture.<sup>140</sup> In spite of the provision for expulsion of a rogue member or those contravening the principles of the treaty establishing the community provided in Article 147 (1)<sup>141</sup>, no Partner State has been expelled despite the blatant violations of the provision especially with regard to the elimination of non tariff barriers.

One of the greatest handicaps to the integration processes in Africa is the issue of sovereignty. It was an obstacle to the Organization of African Unity (OAU) and currently to the African Union.<sup>142</sup> As Noli posits, sovereignty of the African states hampers the formation of supranational political authorities capable of generating lasting economic and political cooperation.<sup>143</sup> This is a thorny issue for the Partner States in the EAC. The Wako committee that received views from stakeholders on the region's political federation identified this as one of the major concerns. It was feared that as a Federation, the nation states would cease to have any meaningful powers and would be relegated to mere provinces within the Federation.<sup>144</sup> The fear is manifested

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<sup>140</sup> An interview with a EAC Regional Security Expert conducted on 18/8/2012

<sup>141</sup> EAC Treaty P.114

<sup>142</sup> Kasaija Phillip Apuuli, 'The Challenges Facing the Establishment of the African Union: Reflections on the Organization of African Unity (OAU) and the Constitutive Act 2001 of the AU,' in *African Historians and Globalization*, Issiaka Mande & Blandine Stefanson (eds.), Paris: Karthala, 2005, p.113

<sup>143</sup> Okwudiba Noli, "Economic Constraints of Pan-African Economic Integration," in *Economic Cooperation and Integration in Africa*, W.A. Ndongko (ed.), Dakar: CODESRIA Book Series, 1985, p. 127.

<sup>144</sup> Wako Committee Report, *op. cit.*, para. 233.



in a number of ways including; loss of power at political level, loss of decision making, and loss of flexibility in exercising powers at the national level.

As each of the partner states defends its sovereignty, the integration process continues to be undermined. This pursuit of national interests by the partner states at the expense of regional ones has for instance seen the republic of Tanzania raise working permit fees on the grounds that the country needs to generate revenue and that the integration process had not matured to the level that did not require the EAC residents to have work permits. The implementation of the common market protocol is meant to facilitate the free movement of labour, services, goods and capital within the community is also being frustrated by bureaucratic delays and national interests among partners. So far only Kenya and Rwanda have scrapped work permit fees for the EAC citizens.<sup>145</sup>

These factors explain the limited integration realized so far in the EAC. The full operationalisation of the customs union and the common market protocol has not been fully achieved. This has been occasioned by the delays in harmonizing national laws and legislation in conformity with common market protocol. The benefits of integration are also threatened by the existence of Non Tariff Barriers which are apparently on the rise. Talks of the development of a compensatory mechanism are now rife in the region. This it is argued will help avoid disequilibrium, resentment and breakup of the community. This reflects fear of economic domination of some states by the others.<sup>146</sup> One of the partner states was reluctant to sign the protocol on defence citing objection to the article which

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<sup>145</sup> Muthoki Mumo, "Tanzania defends Move to Raise Working Permits Fees" (The Daily Nation, 8<sup>th</sup> August, 2012), P.2

<sup>146</sup> Halima Abdala, "Pains of integration," The East African (January 30-February 5, 2012), P. 6

requires partner states to assist each other when at war.<sup>147</sup> This attitude among the partner states might explain the failure for a regional approach towards the Somali crisis that threatens the very existence of the community.

The treaty further provides for a gradualist approach to the EAC integration process starting with a Customs Union, a Common Market, a Monetary Union and eventually a Political federation which according to the treaty is the ultimate goal of the integration process.<sup>148</sup> Such an approach presupposes that economic integration would inevitably lead to political integration. In this case, integration in the areas of defence and security are viewed as the by products of economic regionalism. The treaty does not however, specify the nature of the federation. The greatest challenge towards the achievement of the EAC political federation is the reluctance by the partner states to cede sovereignty. Furthermore, there is no clarity on the model the federation desires to adopt.<sup>149</sup> In this provision lies the bane of the formulation of a functional regional security framework. The envisaged security framework is anchored in the political federation provided for in chapter 23 of the treaty.

As argued elsewhere in this study, the economic integration facet has elaborately been provided for in the treaty and has been the main focus of the bloc. The current EAC Development strategy for instance, in highlighting the broad priority areas for the bloc in the next decade, states clearly the main focus will be on improving global competitiveness for faster and sustainable economic development and moving closer to the status of a newly industrialized region. The specific areas of focus will include:

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<sup>147</sup> Adam Ihucha, "Rising Crime a Threat to EAC Integration," *The East African* (January 30-February 5, 2012), P. 13

<sup>148</sup> EAC Treaty, Article 5(2), P.13

<sup>149</sup> Luke Anami, "Experts Suggest Models for EAC Political Federation." *The Standard*, 27<sup>th</sup> November, 2012, P.10

establishment of a robust legal administrative framework that facilitates the regional economy to generate income and wealth, improvement and expansion of infrastructure, energy access, improvement and sustained long-term stability in the macro-economic environment and the development of financial markets among others.<sup>150</sup> Political integration in which regional security is anchored is therefore, viewed as a peripheral issue.

Article 7 of the EAC treaty provides for a people-centered and market driven integration process.<sup>151</sup> As argued elsewhere in this study scholars like Katumanga raise doubt on the success of such a model of integration in view of the dissimilar levels of development in the region coupled with conflicts and insecurity.<sup>152</sup> This may explain why the high levels of mistrust among the member states have impeded the process of political integration and the very idea of having a common security policy.

Arising from the challenges posed by the treaty calls have been made for the review of the treaty to make political union possible. It has been argued that the treaty's current provisions are not clear on how to attain the next two stages of the integration process; the political federation and the monetary union. The two require states to cede their sovereignty. Adams Oloo for instance, argues that the current EAC is not tailored to go beyond the common market phase of integration. The EAC leaders may have skipped crucial steps in the integration process in their enthusiasm to form a

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<sup>150</sup> EAC, Development Strategy (2011/2012-2015/2016) P.15

<sup>151</sup> EAC, *The Treaty for the Establishment of the East African Community* (EAC : Arusha , Tanzania,2002), P.14

<sup>152</sup> Musambayi Katumanga., "Conclusion: Towards Shirikisho La Afrika Mashariki: Some alternative Thoughts" in Mohiddin, A. (Ed.) *Deepening Regional Integration of the East African Community: Development Policy Forum Op cit* pp.281-287

monetary union and a political federation. The two phases he argues are not clearly spelt out in the treaty and if not handled properly could see another collapse of the integration efforts. He therefore calls for fresh negotiations to enable the implementation of the two phases since both are a matter of international law and not national law. With regard to the political federation for instance, there is need for the treaty to spell out its powers and structures.<sup>153</sup>

The treaty's conceptualization of regional security has perhaps been the greatest obstacle to the realization of a common security policy. Whereas, in a global sense, the 1990s witnessed the broadening of the concept of security through the development of new concepts, such as Human Security or Comprehensive Security, the developments on the regional level indicate that the East African Community still perceives security from a primarily narrow and militaristic approach. In principal, security is here defined as a concept with a strong military and defence dimension. A more comprehensive approach that would go beyond the purely military dimension and address also socio-political or economic aspects inherent to the majority of conflicts and crises, is still not sufficiently conceived and considered. Such a narrow conception of security may be responsible for the limited contribution of regional cooperation towards formulating a common security strategy. The approach of crises through military means only focuses on the manifestations of insecurity and not necessarily on its sources and reasons too. The deployment of troops may certainly be an effective way to restore law and order in a situation of tensions and riots. It is however, inappropriate to tackle also the deeper and mostly structural causes for destabilization that most often are located on the political, social or economic level.

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<sup>153</sup> Julius Barigaba, "Review the EAC Treaty," *The East African*, Nairobi, September 5-11, 2011, p.12

Economic, political, social and human issues are indeed critical in tackling the root causes of instability and insecurity.<sup>154</sup>

The security environment in the region demands an approach to security that encompasses both human and state security issues. However, the EAC has opted for a state centric approach and even when issues of human security are integrated in the operational framework; they are taken as a means of achieving state security rather than ends. Such an approach presupposes that the state is stable internally and enjoys widespread legitimacy and the main sources of threats are external.<sup>155</sup> The reality however, is that the security threats in the region are primarily internal and states play a big role in generating such insecurities. This state centric approach is demonstrated by the strategies taken in the region to address security threats such as the Small Arms and Light Weapons (SALWs). Though the problem of SALWs can be addressed by resolving the demand side factors which make communities arm themselves,<sup>156</sup> the region has opted for disarmament without addressing the security vacuum created.

The lack of a common security policy can also be attributed to the lack of a consensus on the region's security interests and a common conceptualization of the security threats facing the region. The pursuit of national interests by the partner states only aggravates the situation.<sup>157</sup> The failure to address security from a regional

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<sup>154</sup> Angela Meyer, *Regional Integration and Security in Central Africa – Assessment and Perspectives 10 Years after the Revival*, Egmont Paper 25 (Egmont - The Royal Institute for International Relations, 2008) pp17-18

<sup>155</sup> M.Ayoob, *The Third World Security Predicament: State Making, Regional Conflict and the international System*. (London : Boulder, 1995), P.280

<sup>156</sup> T Weisis, 'A Demand Side Approach to Fighting Small Arms Proliferation', *Africa Security Review*, 12(2),2003, Pp. 5-16

<sup>157</sup> Niyonzimia Stephen, Assistant Commissioner, Political and Legal Affairs, Ministry of the East African Community Uganda, Personal Interview, Arusha, Tanzania, August, 2012.

perspective has put some limitations in trade and commerce as well as the free movement of labour in the region.

An examination of chapter 23 of the treaty establishing the EAC reveals this traditional military focused thinking about regional security. In modern regional cooperation there is need to define interests to be more inclusive than is expressed by traditional realists theorists like Morgenthau who regard states as the primary actors in international politics.<sup>158</sup> The need for departure from such a traditional security paradigm provides for a wider perspective of analyzing regional security from a broader perspective, encapsulating human security in all its dimensions. Such a paradigm puts into consideration non-military threats to security such as poverty, disease, environmental degradation, unemployment and bad governance.

The classical realist definition of security is relatively narrowly conceived. It covers explicitly the security interests of the state especially its two core properties, namely territorial integrity and international sovereignty and to a limited extent, the security of the state leadership (government), certain fundamental aspects of the way of life (national values) within the state, and values like democracy, freedom and religion . This definition pays little attention to the living conditions of individual citizens, domestic, social groups and local communities. It also assumes the state to be an abstract entity that is devoid of humanity and is autonomous from the domestic society.<sup>159</sup>

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<sup>158</sup> Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 6<sup>th</sup> ed. (New Delhi: Kalyani Publishers, 1995) p 5

<sup>159</sup> Ludeki Chweya, "Emerging Dimensions of Security in the IGAD Region", in Mwangi, (ed.), *African Regional Security in the Age of Globalization*, (Nairobi: Heinrich Boll Foundation, 2004), p32

The failure to look beyond the limited realist view of the state and to examine matters like composition and constraints of states and the constituency they represent can lead to erroneous observation that the state is secure whereas the reality can be different. Individuals, groups and communities can suffer or die of famine, genocide, banditry, police brutality, ethnic cleansing, discrimination in state resource allocation, diseases and epidemics and religious and cultural persecution simultaneously within a secure state from a realist perspective. Moreover, the realist definition of state security presupposes threats from other states in the unregulated and dangerous anarchical international system. The problem of this definition is that the state can be secure, free from any external military threat or from aggression that other state actors perpetrate and yet its citizens suffer insecurity in terms of physical attack, genocide that internal non-state aggressors commit, including state officials. The state can also face threats from non-state actors such as international terrorist organizations, cross-border bandit cattle raiders, and drug, gun and human being traffickers. The importance of threats from such new sources has surpassed threats from states as the latter increasingly take cooperative approach to dealing with matters of mutual interest in the post-cold war era.<sup>160</sup>

This traditional militaristic understanding of security in the EAC can be contrasted by developments in other African regions. The Organ for political, defence and security (OPDS) of SADC, originally set up in 1996 to intervene in conflicts and to act in a preventive way to consolidate peace in the region, is progressively emphasizing the preventive dimension of its mandate. Since 2001, OPDS is based on a Inter-state Politics and Diplomacy Committee (ISPDC) that complements its Inter-state Defence

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<sup>160</sup> Ibid p.32

and Security Committee (ISDSC), in view of better promoting stability and security, not only through reactive but also through preventive measures.<sup>161</sup>

State perspective of the national, regional and international security is of critical importance in informing the security issues at play in the East African community. Foreign policy and security policy are so entangled that they cannot be divorced from one another. A country's foreign and security policy is a reflection of its view of the external. It takes cognizance of the country's external interests, threat perceptions and means of reduction or eradicating these threats. National security strategy is founded on two prerequisites; national interests and the resource base necessary for protection. The achievement of this strategy is the role of states foreign policy, which in turn shapes the relationship between the state and other states. Article 123 (1) of the EAC treaty provides for the establishment common foreign and security policies, whose objectives among others will be to strengthen the security of the community in all ways.<sup>162</sup>

Twelve years down the line, this has not been realized. The situation is further compounded by the fact that the partner states have not been able to formulate their own national security strategies. To date, only one of the states; Uganda has attempted to draft one. Mwangi argues that the methodology for developing a regional security strategy requires that member states first develop individual national security strategies on whose basis a regional security strategy can be

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<sup>161</sup> Angela Meyer, *Regional Integration and Security in Central Africa – Assessment and Perspectives 10 Years after the Revival* p.20

<sup>162</sup> EAC Treaty P. 97



drawn.<sup>163</sup>

### 3.2.1 EAC Institutional Framework: The Hurdles

In accordance with article 9 of the EAC Treaty, the institutional framework of the community consists of the executive, the legislative and the judicial arms. The executive arm is composed of the Summit of the heads of state and the Council as the policy making organ as well as the Secretariat which is the executive organ of the community and EAC institutions. The legislative and judicial arms are made up of the East African Legislative Assembly (EALA) and the East African Court of Justice respectively. The functions, mandates, and operational frameworks of these organs and institutions are set out in the Treaty, Protocols and Rules of Procedures.<sup>164</sup>

A critical examination of each of the organs and its features reveals a number of gaps. The Summit under article 11(5) for instance, is authorized to delegate the exercise of any of its functions subject to any conditions which it may think fit to impose, to a member state, the council or to the Secretary General.<sup>165</sup> Scholars like Okoth argue that this article can be interpreted to imply that any member of the community can take responsibility for some activity on getting authority from the Summit. However, the reality is that it would be difficult for one of the member states to authoritatively deal with matters considered to be of sovereign importance to other members. States are not comfortable with others that interfere with what they consider to be their internal affairs. Uganda for instance has always maintained that the problems of the Lord's Resistance Army (LRA) are its own internal affairs. This makes it difficult for

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<sup>163</sup>M. Mwangiri & N. Karuru., "Human Security in the Horn of Africa: Emerging Agenda" in M. Mwangiri (ed.), *Human Security: Setting the Agenda for the Horn of Africa*, (Africa Peace Forum: Nairobi, Kenya, 2008), P.255

<sup>164</sup>EAC Treaty P.17

<sup>165</sup> EAC Treaty, P.18

another member of the community to get involved. This inability to get involved in attempts to resolve such a conflict presupposes that as long as the conflict continues, the economic, social and political activities in the region would be negatively affected and region's security would also be jeopardized.<sup>166</sup>

Arising from these gaps, a Tanzanian journalist, Timothy Kahoho, has filed a case at the East African Court of Justice (EACJ) seeking to stop the integration process currently being carried out by the EAC Secretariat on the grounds that the process is based on an illegality. Kahoho argues that the Secretariat has usurped the powers that ideally belong to the Council of Ministers in developing a draft structure for the planned political federation. He further argues that the Secretariat has gone beyond its mandate by developing a road map to strengthen institutions concerned with the common market, customs union and the monetary union. Though the November 2011, Summit of Heads of state held in Bujumbura, Burundi, directed the Secretariat to perform these duties, their directive contradicts Article 123(6) of the treaty that states that the Summit may only initiate the political federation through the Council of Ministers.<sup>167</sup> The Secretariat is an administrative body and cannot therefore, negotiate the political federation. It has no mandate to conduct political negotiations among partner states. The Summit's directive also contravenes the fundamental principles of political inclusion outlined in Articles 6 and 7. Fears have been expressed that the determination of the case risks pulling back the integration process by over ten (10) months.<sup>168</sup>

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<sup>166</sup> Godfrey Okoth, "Regional Institutional Response to Security in the Era of Globalization", Op Cit, P.54

<sup>167</sup> EAC Treaty, P.98

<sup>168</sup> The Daily Nation, "Court Holds EAC Integration Fate" (18/7/12), P.30

It is apparent that the community does not have a substantial organ to deal with security issues. As stated earlier in this study, matters of defence are mentioned in passing in Article 125. In pursuant to Article 5, the community undertakes to cooperate in the promotion of peace, security and stability within a good neighbourliness among partner states as provided for in Article 124. However, a close scrutiny of this article reveals that it focuses on police matters. Article 124 (5) provides that partner states agree to enhance cooperation in the handling of cross-border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders, and the exchange of information on national mechanisms for combating criminal activities. On the contrary, pillars on which the economic integration is anchored are elaborately discussed. These are the Customs union, the common market and the monetary union. The question that needs to be addressed is whether the EAC can be viable in economic activities without a security organ.<sup>169</sup>

The requirements for a peaceful environment in which to fulfill the mandates of the EAC cannot be overemphasized. Each of the member states has an army, a police force and an intelligence apparatus. Whether these outfits are adequate to ensure that each state as well as the EAC functions are carried out peacefully is an issue that needs to be addressed.<sup>170</sup> Holsti posits that states remain the critical actors of international politics because they command the allegiances of peoples occupying defined territory which possess capabilities to employ ultimate threat (war). States

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<sup>169</sup> Godfrey Okoth, "Regional Institutional Responses to Security in the era of Globalization" Op cit pp.54- 55  
<sup>170</sup> Ibid P.51

unlike most transnational organizations are also concerned with the full range of welfare and security issues of a population and enjoy sovereignty.<sup>171</sup>

There is need however, for the region to depart from this statist approach when dealing with regional security and conceptualize it away from the traditional preoccupation with state security. Such a conceptualization provides the region with a wider perspective of analyzing its security from an enlarged angle, encapsulating human security in all its dimensions. The alternative paradigm takes care of non-military threats to security such as poverty, disease, environmental degradation, unemployment and bad governance.

Articles 6 and 7 of the EAC treaty provide for the promotion of political, economic, social and environmental dimensions of development as well as popular participation in the community's decision making process. In spite of this, there is need to have a broad based security paradigm that is capable of accommodating the requirements of the EAC where member states are increasingly unable to control transnational movements and influence occasioned by the operations of the customs union and the common market across borders. The new paradigm must be able to serve the civil society that is becoming increasingly sophisticated and competent and whose loyalties to state can no longer be assumed. The paradigm must accommodate a society armed with modern communications and transportation, regional or worldwide contacts and the ability to learn from what is going on outside their community or sub region.<sup>172</sup>

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<sup>171</sup> Holsti K J., *International Politics: A Framework of Analysis*, 5<sup>th</sup> ed. (New Jersey: Prentice Hall, 1995), P.65

<sup>172</sup> An interview with a EAC Regional Security Expert conducted on 18/8/2012

### **3.3 Security and Economic Integration**

The main objective of the EAC as set out in Article 5 of the treaty, is to widen and deepen co-operation among the partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. In order to attain these objectives, the EAC recognizes the critical role played by peace and security. However, the twelve years of the integration journey has not borne much fruit in addressing regional security. Threats such as terrorism, human and drugs trafficking, ethnic and inter-communal violence and piracy have continued to impede the economic progress. These threats have largely been perceived in economic terms hence economic responses. The situation is exacerbated by the EAC's gradualist approach to its integration process. Such an approach presupposes that economic integration would inevitably lead to security and political integration. In this case, integration in the areas of defence and security are viewed as the by products of economic regionalism. This study argues that such a conceptualization of security has rendered it difficult to evolve a common security policy.

The thinking that economic integration takes precedence over every other facet of integration has given rise to a cut-throat competition in the pursuit of individual national interests. This has seen the five partner states simultaneously belong to more than one intergovernmental body that aspires to a role in security maintenance and conflict management.<sup>173</sup> The five partner states in the EAC also belong to IGAD,

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<sup>173</sup>Benedikt F. Franke, *Competing Regionalisms in Africa and the Continent's Emerging Security Architecture*

COMESA, ECCAS, or SADC. This overlap not only leads to wasteful duplications of effort and counterproductive competition among countries and institutions, but also tends to dissipate collective efforts towards the common goals of the EAC in the journey of integration. The partner states not only face multiple financial obligations, but must cope with different meetings, policy decisions, instruments, procedures, and schedules.<sup>174</sup>

In addition, given the divergence of several states belonging to more than one regional economic community in the region, formulating a regional security framework has been and continues to be a challenge. This overlapping membership weakens the ability of the states to pull together their resources in building up relevant security institutions. It also causes potentially conflicting political commitment of states to opposing objectives of the various sub-regional organizations. Moreover, it can also be used by states to evade responsibility to address specific security problems by claiming that responsibility lies with another sub-regional organization.<sup>175</sup>

This is best exemplified by the cross roads at which Tanzania finds itself with regard to the security situation in the Great Lakes Region. Its support for a new UN-sanctioned peace keeping force following the breakdown in talks between M23 rebels and the Kinshasa government has not been embraced in the EAC. Tanzania currently chairs SADC's Peace and Security Council which has called for a military confrontation.<sup>176</sup> Arising from its conflicting obligations to the International

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<sup>174</sup>Ibid

<sup>175</sup>Julius Kiprono, *Overlapping Regional Economic Communities in Eastern Africa: Dilemmas and Challenges in the Development of a Common Regional Security Architecture*. International Peace Support Training Centre, Nairobi, Kenya Issue Briefs. Issue No. 5 July, 2011, P.39

<sup>176</sup>Emmanuel Mulondo, Joseph Mwamunyange &Mike Mande, "Conflicting Loyalties : SADC Leaning Tanzania to Face EALA over M23", *The East African*. Nairobi, April 13-19,2013 P.5

Conference on Great Lakes Region and the EAC, the likelihood of a conflict with Uganda and Rwanda who are opposed to the troop deployment under the UN is real. According to EALA, SADC's move can only escalate war and lead to further proliferation of arms in the region. A motion has therefore been prepared calling Tanzania to order for taking a position contrary to that of the EAC.<sup>177</sup>

This study argues that in order to successfully evolve a common thinking on matters of regional security, the bloc must strengthen its efforts to disentangle the region's confusing web of institutional overlaps. However, this may not prove easy as countries often benefit politically from multiple memberships which are seen to justify the extra expenses by increasing a country's regional influence and donor attractiveness.

The absence of a coordination framework that a functional regional security strategy would offer, has denied the region the full benefits it aspires to derive from the integration process. A report by the Economic and Social Research Foundation indicates that trade within EAC member countries has declined by 40.9 percent since 2008 to stand at \$45 billion currently. According to the report, Kenya's exports to Uganda and Tanzania remain high as well as imports from Tanzania to Kenya, but Kenya has low trading volumes with Burundi and Rwanda, Uganda is the largest destination for Kenyan products and Tanzania is the largest exporter to Kenya.<sup>178</sup>

Alongside low levels of interstates trade, the poor coordination of economic policy is a significant obstacle to successful regional integration. A recent study by the

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<sup>177</sup> Emmanuel Mulondo, Joseph Mwamunyange & Mike Mande, Ibid P.5

<sup>178</sup> Daily Nation . Nairobi, 29<sup>th</sup> July, 2013 P.8

University of Dubai concludes that there are in some respects major discrepancies between the political agendas of the member states.<sup>179</sup> Harmonization of economic policy is inadequate and national state interests often weigh more heavily than long-term cooperation gains. An example of this is the negotiations between the EU and the EAC on an Economic Partnership Agreement (EPA). The member states initially conducted negotiations on the EPA in separate groups. Tanzania, for example, at first negotiated as a member of the Southern African Development Community (SADC). Under pressure from the EU when the talks seemed likely to stall, the negotiators abruptly transferred their allegiance to the EAC. The EPA was negotiated hurriedly and hence in ways that did not favour the EAC.<sup>180</sup> To proceed further along the path towards integration, this study argues that the integration agenda must be anchored in a regional security strategy.

Once this is conceptualized, the region would effectively address the challenge of Non Tariff barriers that defeat the very purpose of economic integration. The World Trade Organization (WTO) describes NTBs as various bureaucratic or legal issues that could involve hindrances to trade. The presence of NTBs in the region signals the constant tensions that exist between having full integrated market access and regulatory policies that border the extreme. This is the biggest impediment to full attainment of the objectives of the EAC Treaty.<sup>181</sup> Non Tariff Barriers in the region have often been justified on four main reasons: to safeguard health, safety, and security of human beings, animals and plants against environmental pollution; to

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<sup>179</sup> Stefan Keith/ Moritz Baz, The East African Community Regional Integration between Aspiration and Reality, [www.kas.de/wf/doc/kas\\_2875\\_544\\_2\\_30.pdf](http://www.kas.de/wf/doc/kas_2875_544_2_30.pdf) Pp 96-97 Accessed on 9<sup>th</sup> September, 2013

<sup>180</sup> Ibid P.98

<sup>181</sup> Julius Kiprono, Overlapping Regional Economic Communities in Eastern Africa: Dilemmas and Challenges in the Development of a Common Regional Security Architecture p.49



protect home industries and consumers; to safeguard national security; and, to safeguard against revenue loss.

The NTBS continue to increase the cost of doing business in the region and have negatively impacted on trade and cooperation. Substantial efforts have been made to eliminate them or reduce their impacts but outstanding challenges related to clearance administrative procedures, physical infrastructures and unilateral actions barring cross-border trade contrary to the treaty provisions are yet to be overcome.<sup>182</sup> Land locked countries like Rwanda have ended up paying a heavy price for costly delays caused by NTBs such as weigh bridges and the port of Mombasa through which their goods must pass. Rwanda has threatened to take its neighbours to court over the continuous use of NTBs. This does not augur well for the integration process.

The absence of a legal framework to coordinate and ensure compliance in the elimination of NTBs in the EAC region has hampered the efforts to eliminate them. This is compounded by the fact that EAC Secretariat lacks enforcement powers. Therefore the success in the elimination is now left to goodwill and gentleman's agreement principle. There is thus need to amend the EAC Treaty to establish an EAC Commission with executive powers to oversee the implementation of the EAC integration agenda, including the elimination of NTBs.<sup>183</sup>

By establishing the link between security and economic development, the EAC would have a better conception of what to secure. The treaty establishing the community makes provision for the partner states to provide security and protection to transport systems to ensure the smooth movement of goods and persons within the

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<sup>182</sup>Ministry of the East African Community, A Survey on Non Tariff Barriers. (Nairobi, Kenya, 2012),P.2

<sup>183</sup>Ministry of the East African Community, A Survey on Non Tariff Barriers. Ibid,P.55

community.<sup>184</sup> In the area of Civil Aviation and Civil Air Transport, there is a commitment by the partner states to coordinate measures and cooperate in the maintenance of the high security required in respect of air services operations and also operate joint search and rescue missions.<sup>185</sup> This study however argues, that as long as the partner states continue to perceive such infrastructure as their own national interests, these provisions will remain just that; mere declarations in a document. To activate action, regional security thinking must be conceptualized.

The recent happenings in Kenya however, cast doubt on such a conceptualization taking root in the region. The fire tragedy at the region's main airport affords the aviation experts and the state actors an opportunity to think outside the box. How secure are the airports in the region and how does the EAC Security Strategy address this. Kenya, Uganda and Burundi face a real risk of terrorism at their airports because of their intervention in Somalia.<sup>186</sup> It is only by responding to this question that the region will go beyond offering messages of encouragement and condolences to securing the regional interests.

What offers the greatest challenge for the region is the terrorist attack at the Westgate shopping mall; a key economic enterprise in Kenya. The four days' siege raises the broad question of whether the region is well placed to thwart or respond to future threats. It also calls into question whether the *existing EAC Security Strategy* has the capacity to anticipate and respond to such threats. The argument by the Kenyan state operators that the situation was a national security matter only aggravates the region's security thinking.

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<sup>184</sup> EAC Treaty P.62

<sup>185</sup> Ibid P.67

<sup>186</sup> "Kenyan Airport Tragedy Forces the Region's Aviation Experts to think outside the Box", The East African, Nairobi, August 10-16,2013 Pp 4-5

Looking at the terrorist attack Godwin Murunga argues that the state actors need to respond to the following questions: Has security thinking and preparedness adjusted to threats that are metamorphosing to become more complex, synchronized and designed to kill and maim as a public spectacle? How are the different parts of our security apparatus working? Who is in or out of security decision making in times of threats and crises? Are citizens considered a key part of security decision making process?<sup>187</sup> Westgate is a reminder that region remains a soft target for international terrorists.

In order to realize the two next levels of integration; a monetary union and a political federation, there may be need to revise the current EAC treaty to address the impediments to the conceptualization of region security which the study argues has limited the intensification of the integration process. The two phases require states to cede their sovereignty. Formulating a regional security strategy may be a step towards this direction.

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<sup>187</sup> Godwin Murunga-“Attack Showed Escalation in Violence, So Security Should be Thinking Ahead” Saturday Nation 28<sup>th</sup> September, 2013 P. 14

## **CHAPTER FOUR**

### **SECURITY AND LIMITATION OF INTEGRATION IN THE EAC**

#### **4.0 Introduction**

Chapter four responds to the second question of the study; to what extent does the absence of a common security strategy impede the intensification of the integration process? The chapter is guided by the study's second objective which seeks to examine and analyze the nexus between the absence of regional security strategy and limited integration in the East African Community region. The objective is underpinned by the assumption that there exists a nexus between regional integration and security. To this end, the objective establishes the linkage between regional integration and security and also examines and analyses the levels of integration achieved so far in the socio-economic and political realms. The chapter critically examines the stages of EAC integration and argues that the limited levels of integration achieved could be attributed to the failure to develop a common security strategy in the EAC.

#### **4.1 Regional Integration and Security**

The existence of positive linkages between regional integration and peace and security is accepted by many and is an assumption behind many contemporary discourses in favour of more cooperation and integration at the regional level in order to avoid or end bilateral, regional and domestic conflicts. A security community presupposes a possibility of conflict or, at worst, war. While a number of views regarding the nature of a security community exist, two major schools of thought have emerged dominant. Deutsch has described the concept as real assurance that the members of that community will not fight each other physically, but will settle their

disputes in some other way. According to his conception, states retain the legal independence of separate governments as they have compatible core values from common institutions, a sense of *we-ness*; dependable expectations of peaceful change whose communication is the cement of social groups in general and political communities in particular.<sup>188</sup>

Alder and Barnett on the other hand, stretch the development of a security community to three phases; the nascent, the ascendant and the mature phases. For them, the first phase consists of the development of the security community followed by a phase in which there are intensive dynamics between state institutions and organizations whose synergy culminates in the third phase, the formation of mature security.<sup>189</sup> The development of a security community for the EAC region would be a reaction to severe security problems which require a better solution and which in essence demands a comprehensive dimension. Ohlson postulates that such an approach includes politics, economics and military security and also considers the linkages between sub-national, national and regional levels. This appears a better model for the study of regional security than Deutsch's whose restrictive conditions such as the requirement for a democratic and totally peaceful environment appears to have ruled out its application.<sup>190</sup>

Regional organizations like the EAC aim to promote cooperation and development in all fields of economic activity among member states with the purpose of raising the living standards of their people and fostering closer relations among them. This can

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<sup>188</sup>I. Farah., "African Regional Security Arrangements: ECOWAS and Lessons for IGAD" in M Mwagiru (ed.), *Human Security : Setting the Agenda for the Horn of Africa*, (Africa Peace Forum: Nairobi, Kenya, 2008), P.237-38

<sup>189</sup> Alder Emanuel and Barnett Michael, (eds), *Security Communities*, (London Cambridge 1998), P.3

<sup>190</sup>I. Farah., "African Regional Security Arrangements: ECOWAS and Lessons for IGAD" Op cit P.238

only be pursued in a peaceful and stable environment. The vision of the EAC as pointed out elsewhere in this study is to attain a prosperous, competitive, secure and politically united East Africa. The Mission is to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of East Africa through increased competitiveness, value added production, enhanced trade and investment. The Brand name of the Community is “One People, One Destiny”.<sup>191</sup> It is in the context of this vision and mission that this study examines the progress made this far in the integration process and its nexus with the failure to formulate a regional security strategy.

According to Bassil Liddell – Hart, strategy is the art of distributing and applying military means to fulfill ends of policy. Hedley Bull sees it as exploiting military force so as to attain given objectives of policy. Collin Gray argues that it is the relationship between military power and political purpose.<sup>192</sup> In its fuller meaning, strategy is the art of mobilizing and directing the total resources of a nation or community of nations, including the armed forces to safeguard and promote its interests against its enemies, actual or potential. In this broader sense, strategy is also called grand strategy.<sup>193</sup> The formulation of strategy is dependent on the geography, economy, society and politics of a given country or region.

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<sup>191</sup> East African Community, *EAC Development Strategy (2011/2012- 2015/16): Deepening and Accelerating Integration* ( EAC Arusha Tanzania, 2011), P. 13

<sup>192</sup> Craig A. Snyder. ,”Contemporary Security and Strategy ”, in Snyder.,(ed.), *Contemporary Security and Strategy* , (Rout ledge: New York,1999), P. 4

<sup>193</sup> J. Mohan Malik. ,”The Evolution of Strategic Thought ”, in Snyder.,(ed.), *Contemporary Security and Strategy* , (Rout ledge: New York,1999), P.14

Henry Eccles describes strategy as “.....the comprehensive direction of power to control situations and areas in order to attain objectives.”<sup>194</sup> This definition captures much of the essence of strategy. Foster on the other hand, posits that strategy is comprehensive, provides direction, its purpose is control and it is fundamentally concerned with the application of power.<sup>195</sup> He further argues that the underlying assumption of strategy from a national /regional perspective is that states and other competitive entities have interests that they will pursue to the best of their abilities. Interests are desired end states such as survival, economic well-being and enduring national/regional values. The national/regional elements of power are the resources used to promote national/regional interests. Strategy is the pursuit, protection or advancement of these interests through the application of instruments of power. Strategy is fundamentally a choice; it reflects a preference for a future state or condition. In doing so, strategy confronts adversaries, and some things simply remain beyond control or unforeseen.<sup>196</sup>

Strategy is all about how (way or concept) leadership will use the power (means or resources) available to the state/region to exercise control over sets of circumstances and geographic locations to achieve objectives (ends) that support state/regional interests. Strategy provides direction for the coercive or persuasive use of this power to achieve specified objectives. This direction is by nature proactive. It seeks to control the environment as opposed to reacting to it.<sup>197</sup>

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<sup>194</sup>Henry E. Eccles, *Military Concepts and Philosophy*, (New Brunswick, NJ: Rutgers University Press, 1965), P.48

<sup>195</sup>Gregory D. Foster, “A Conceptual Foundation for a Theory of Strategy,” *The Washington Quarterly*, Winter, 1990, P.50

<sup>196</sup> Ibid pp.47-48

<sup>197</sup>Gregory D. Foster, “A Conceptual Foundation for a Theory of Strategy,” Ibid p.55

Several attempts have been made by the EAC to develop common strategies in the security subsector but without much success. The failure to develop a common strategy in this regard might explain why the community has not achieved the desired integration. Having a regional security strategy presupposes a commonly agreed direction in pursuing the objectives to be achieved regionally. In the absence of such a strategy in the EAC, as the achievements in the socio-economic and key pillars of the integration process reveal, numerous challenges have slowed down the integration process.

A regional security strategy addresses the essential concerns of integration such as the economic, socio-political and military issues. It coordinates the regional political, economic and military strategies and helps in their implementation. It also provides the ways and means by which a region can achieve its aspirations.<sup>198</sup> This section highlights the gains made in the EAC integration process and argues that the limitation in the process could be attributed to the lack of a coordination mechanism that a functional regional security strategy would offer.

As the process of regional integration deepens, the challenges facing the integrating units and people are intensifying. The challenges relate to the fundamental purpose of the entire regional integration endeavour, namely the ambition to transform in a positive way, the quality of life and welfare of the EAC citizens. Article 7a of the Treaty puts people at the centre of the integration efforts, as both the drivers and the beneficiaries of the process. This ambition is however, faced with a number of hurdles. Poverty persists at high levels in the region. It is estimated that the number of East Africans living below the poverty line increased from 44 million to 53 million in

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<sup>198</sup>Collins J., "Grand Strategy: Principles and Practices" Op Cit P.20



2012. In the absence of a common strategy to address poverty, the region's performance in reducing poverty is mixed. Tanzania, Uganda and Rwanda have been able to reduce the proportion of the population living below their nationally defined poverty lines. Uganda's improvement, from 56 percent to 25 per cent, is significant. Kenya seems to have lost ground, as 46 per cent of its population fell below the poverty line in 2006 compared to 40 per cent in 1994. The poverty incidence has remained high in Burundi.<sup>199</sup>

The region has also not been able to achieve food security through production and trade. The major drivers of food security, including growing populations and their evolving tastes, the climate and global trade dynamics that shape food prices escape the direct control of national authorities. This calls for a collective regional approach in addressing the menace. This has however, not been the case in the region. When pushed to respond to food insecurity, some actions such as the ban of export of grains by Tanzania in 2011 and Kenya's retaliatory move to ban the export of seed, have undermined the spirit of regional integration.<sup>200</sup>

There is also a growing concern that the integration process itself is generating unequal opportunities and inequitable incomes. It is argued that those who are better endowed by either financial capital or marketable skills or both benefit more than the average citizen. Such sentiment is said to inform the instinct by some countries to reduce the pace and limit the scope of integration.<sup>201</sup> Concerns have for instance been raised over Tanzania's commitments to the regional integration process. According to the EAC Secretary General the country has faltered on a number of key issues agreed

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<sup>199</sup>SID, *The State of East Africa 2012: Deepening Integration, Intensifying Challenges*, (Society for International Development, Nairobi Kenya, 2012), P.30

<sup>200</sup>Ibid P.9

<sup>201</sup>Ibid P10

upon by the partner states such as the waiving of work permit fees. The country has been viewed as reluctant partner to the integration process.<sup>202</sup> This situation has been exacerbated by its ongoing crackdown on immigrants. This exercise has hurt workers from other EAC countries who are now being forced to seek work permits at a cost of \$2,000 each. The fact that the processing of the permit takes five months implies that the workers have no choice but to leave the country. This move by Tanzania defeats the purpose of the region's Common Market Protocol and puts doubt on the country's commitment to the free movement of labour within the EAC.<sup>203</sup> This study argues that the security concerns raised by the country to justify its action would be addressed by the regional security framework. In the absence of a legally binding framework, the implementation of the integration process is at the discretion of the partner states and will continue to be frustrated.

In what can be interpreted as a growing anxiety over the slow pace of the integration process, the bloc is currently facing a test of unity and an identity crisis after the trilateral initiative by Kenya, Uganda and Rwanda to discuss key proposals to deepen integration without the input of Tanzania, a founder and key member state. Each of the three countries in this arrangement has been assigned cross-border responsibilities: Kenya takes the lead on the pipeline and electricity generation and distribution; Rwanda on the Customs, single visa and the EAC e-identity card; and Uganda the railway and political federation. This move has raised fears in the region that a coalition of the willing is emerging.<sup>204</sup> In response to this development, Tanzania has

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<sup>202</sup> James Ananzwa, "EAC Chief Warns Dar on Regional Integration" The Standard, Nairobi, 24<sup>th</sup> September, 2013 P.36

<sup>203</sup> Christine Mungai, "Tanzania expels EAC Immigrants, hikes fees", The East African, Nairobi September 21-27 P.5

<sup>204</sup> Daniel Kalinaki, "EAC States Pull in Different Directions as Dar is Isolated," The East African Nairobi, August 31- September 6, 2013, P.4

insisted that it has no objection to the partner states holding bilateral discussions as long as they do not take decisions that are binding on the community<sup>205</sup>

The trilateral arrangement is anchored on article 7(1e) of the EAC treaty that allows for the principle of variable geometry.<sup>206</sup> The principle gives window for progress in cooperation among members in larger integration scheme in a variety of areas and at different speeds. Tanzania however, argues that this is a misinterpretation of the treaty.<sup>207</sup> The three countries argue that the trilateral initiative stems from the frustration at the slow speed of movement at Arusha where the building of consensus among all the partner states has been the *modus operandi*.

This study calls for urgent measures to address the widening rift among the partner states. It also argues that a regional security strategy on which the integration process should be anchored would help to evade the path taken in 1977. The hiking of the work permit fees and the expulsion of foreign nationals by Tanzania especially those from Kenya, Uganda and Rwanda are being seen in some quarters as a retaliatory measure for the country's isolation by its peers.

The need to anchor the integration process in such a strategy is made imperative when one looks at the region's population trend. The region had a combined population of 139 million people in 2010, an increase of 24 million people from 115 million in 2005. Sub-Saharan Africa's total population in 2010 was estimated to be 821 million, with the EAC accounting for 17 per cent of the continent's total. The population of the region is expected to be 237 million by 2030. Should the EAC expand its

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<sup>205</sup> Daniel Kalinaki, "EAC States Pull in Different Directions as Dar is Isolated," *Ibid*

<sup>206</sup> EAC Treaty P.15

<sup>207</sup> Adam Ihucha, "Join Kenya, Uganda and Rwanda? Not Us Says Dar" *The East African*, Nairobi September 21-27 P.4

membership during the next decade or so to include South Sudan, Sudan, Ethiopia and the Democratic Republic of Congo, the regional bloc could account for 40 per cent of the continent's total population.<sup>208</sup>

Population density differences have generated interesting domestic and regional dynamics with people's access to land and these are likely to intensify in the future. The position taken by Tanzania at the November 2011 meeting of the EAC Council of Ministers illustrates some of the sensitivity about land and regional integration. The country is reported to have stayed away from signing the ministerial report over the question of land which the country has stated categorically should not be included in regional integration matters.<sup>209</sup> With increased population and higher population density expected in the future, the pressure on the region's natural resources will intensify further. This is clearly indicated by the high rate of deforestation; between 1990 and 2010 East Africa's forested area shrank by 22 million hectares. The trend is expected as more and more people inhabit the region with serious implications on the region's security.<sup>210</sup>

The EAC partner states have identified the needed joint infrastructure investments aimed at overcoming the supply constraints which increases the transaction costs and thus induce profitability. Though some effort has been made to harmonize transport and communication policies in order to improve the existing links and establish new ones, the results have not been encouraging. The region's infrastructure is a well-documented challenge. The road network in 2008 was 183,178 km, of which 91 per

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<sup>208</sup> Ibid pp. 13-14

<sup>209</sup> Ibid pp. 13-14

<sup>210</sup> Ibid, p.20

cent was unpaved. The situation has been exacerbated by the inefficiency of region's largest port at Mombasa and the Kenya-Uganda railway line.<sup>211</sup>

#### **4.2 The Link between security and the EAC Integration Pillars**

The EAC treaty provides for a progressive regional integration process starting with a Customs Union as the entry point to the Community; to be followed by a Common Market, then a Monetary Union, and ultimately a Political Federation. A recent study by the World Bank faults the EAC over the pace of integration. The report argues that the bloc risks falling behind key integration deadlines due to lack of institutions and manpower. Constraints in the institutional capacity result from member countries' intentions to protect their own interests.<sup>212</sup>

The Protocol for the establishment of the EAC Customs Union was signed on March 2nd, 2004. It was launched on December 2004 and its implementation started in January 2005 and came to maturation in January 2010. The main goal of a customs union is to liberalize and promote cross-border trade among the member states. While the Customs Union has covered some ground in its implementation, there are, however, indications that in spite of the commitments made by the member states to remove Non Tariff Barriers, they remain a serious obstacle to trade within the region.<sup>213</sup>

Okoth argues that the EAC countries are caught up in an endless contradiction. On the one hand each country wants to assert its independence or avoid being swallowed by

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<sup>211</sup>East African Community, *EAC Development Strategy (2011/2012- 2015/16)* Op Cit p.26

<sup>212</sup> Dicta Ailimwe, "World Bank Study Faults Block over Integration" *The East African*, February, 27-March 4, 2012, P.13

<sup>213</sup>East African Community, *An Evaluation of the Implementation and Impact of East African Customs Union: Final Report, March 2009*, pp.6-23

the others. On the other hand, each of them realizes the inevitability of having to deal with the others. This contradiction forms the background to the signing of the bloc's Custom's union in 2004. In the Protocol for instance, the insistence by Uganda and Tanzania to continue levying duties on the Kenyan goods for a while, echoes anxiety. By agreeing to such a demand, Kenya admits realization that it can do better in the future by making such a sacrifice.<sup>214</sup> This study argues that this provision in the protocol has only served to encourage competition in the pursuit of national interests thereby derailing the integration process.

The institutional framework of the Customs Union has also posed a challenge in its implementation. The framework left the customs administration in Partner States with a national, rather than regional, character. Consequently, customs in these countries remain a creation of the national legislation, while the Directorate of Customs is a design of the regional legislation. Customs training in the partner states is also not harmonized or regionally focused. Such disconnect between the centre and the national customs has tended to lead to differing strategic focus by the two which has constrained the intensification of the integration process.<sup>215</sup>

The second pillar of the integration process is the East African Community Common Market Protocol which came into force in July 2010. The key provisions in the protocol include the free movement of goods, labour, services and capital. The freedoms granted to the region's citizens under the protocol comprise the right to freely leave, or enter and reside in a partner state for the purpose of work.<sup>216</sup> The free movement provided for in this protocol assumes that there would be a new thinking

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<sup>214</sup> Godfrey Okoth. "Regional Institutional Response to Security in the Era of Globalization" Op cit P.61

<sup>215</sup> East African Community, *An Evaluation of the Implementation and Impact of East African Customs*

Union: Ibid

<sup>216</sup> EAC Common Market Protocol

about security in the region. However, in the absence of such a security framework, the implementation of the protocol has been constrained. Partner states have continued imposing non tariff barriers in the guise of protecting their national interests.

A number of challenges also stand in the way of realizing the full benefits of the Common Market. These include inadequate institutional, national and regional level capacities to domesticate regional policies and information access; low levels of awareness across partner states; inappropriate legal and regulatory frameworks; nationalistic tendencies; weak private sector, differences in level of economic development including limited participation of the various stake holders; weak capacities of implementing agencies; inadequate safeguard measures and dispute settlement mechanisms; incomplete harmonization of examination and certification; inappropriate labour policies and legislation; weak urban planning policies and disparities in intra-regional trade.<sup>217</sup>

The third pillar of the integration process, the Monetary Union, was expected to be in place by the end of 2012 but this was not realized. Serious negotiations of the EAC Monetary Union Protocol commenced in January 2010.<sup>218</sup> The greatest constraint to its realization has been the internal resistance in member states and faltering political will.<sup>219</sup> Further impediments to the realization of the monetary union are attributed to the challenges in the preparation, adoption and the ratification of legal instruments such as the monetary union protocol which must be agreed upon by the member states. More still, the change over from national currencies to a single currency

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<sup>217</sup>East African Community, *EAC Development Strategy (2011/2012- 2015/16 P.33*

<sup>218</sup>Ibid

<sup>219</sup>Chage M(uigai and Bamuturaki Musinguzi, "Bad Politics, Inter-state Mistrust and Internal Woes Killing EAC Dream," *The East African*, April 2-8, 2012, P.30-1

requires a strong political commitment which appears to be lacking in the region.<sup>220</sup>

Economists have also warned that this will only succeed if partner states governments rid the process of political interference. Paul Collier argues that a common currency that is politically driven spells doom for economic integration and advises that it should be left for the next generation. Experts further argue that the EAC should focus on making the Customs Union and the Common Market Protocols work before embarking on the Monetary Union and Political Federation<sup>221</sup>

The EAC integration process is premised on the assumption that full economic integration would ultimately mature into a political federation. One of the major drivers to attaining political integration remains the maintenance of political will and commitment as well as flexibility, good governance practices, political responsibility and creating a conducive environment for enforcement of regional policies. It also includes building cohesion and unity in management of international relations and pursuit of mutual interests on the international arena. However, challenges including inadequate capacity and financial resources, weak institutions, slow implementation of policies, slow law and constitutional reform processes, sovereign sensitivities and lack of clarity on the type of federation EAC are to embrace, still hold the pace of integration.<sup>222</sup>

The failure to meet the regional integration objectives could partly be as a result of the absence of a common security strategy whose objectives would overarch the integration objectives and ensure that the partner states pursue common regional

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<sup>220</sup> Adam Ihucha, "No Monetary Union this Year," *The East African*, February 13-19, 2012, P.11

<sup>221</sup> Paul Collier, Economics Lecturer, Oxford University in a Joint ECA-IMF High Profile Regional Conference on the Integration of the Financial Sector.

Adam Ihucha, "Monetary Union is for the Next Generation," *The East African*, March 5-12, 2012, P.12

<sup>222</sup> East African Community, *EAC Development Strategy (2011/2012- 2015/16)*, p.34



interests. The envisaged regional security strategy should address issues such as peace, food security, employment, terrorism, poverty, piracy and economic development to ensure that the gains made so far in the integration process are not eroded.

Njoka agrees that the current EAC Peace and Security Strategy has a number of limitations that have seen a push toward its revision.<sup>223</sup> The nexus between integration and security was missing in the initial thinking of the EAC but this is progressively gaining focus as can be seen the myriad activities now taking place in the security sector. The failure to harmonize the laws in the region has been a draw back in the formulation of a common security strategy. The formulation of a common security policy is also compounded by the involvement of too many organs in the security arena thus rendering coordination difficult. The organs include: the Summit, the Council, Secretariat and the Sectoral Committees among others.<sup>224</sup>

This chapter argues that the failure to develop a regional security strategy has denied the EAC the opportunity to confront the impediments to the integration process. While substantial achievements have been recorded in most of the key areas of integration, several overarching challenges towards the achievements of the set objectives have been witnessed. The challenges include: mismatch between regional and partner state development planning; and inadequate level capacities to domesticate regional policies.

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<sup>223</sup> David Njoka, Director Political Affairs Directorate, Ministry of the East African Community, Personal Interview, Nairobi, Kenya, August, 2012.

<sup>224</sup> Niyonzimia Stephen, Assistant Commissioner, Political and Legal Affairs, Ministry of the East African Community Uganda, Personal Interview, Arusha, Tanzania, August, 2012.

Globalization has opened up states to new security threats. In order to address these emerging threats, there is need to formulate a functional regional security framework. This can only be done when there is a consensus about the threats to security as broadly defined in the region. It will also be important for the region to identify its security interests and also agree on them. Such a security framework also needs to meet the needs and aspirations of the citizens of the region.

## **CHAPTER FIVE**

### **FINDINGS, SUMMARY AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter anchors a recapitulation of the entire study. The chapter serves four main aims. The first re-examines the study's two core objectives with a view to demonstrating the extent to which their set out tasks have been met. The second examines the two working hypotheses with a view to determining the extent to which they are validated. The third aim anchors the conclusion and thesis of the entire study while the fourth responds to the third objective of the study; to proffer research based recommendations. To this end the chapter is organized around four parts as follows: part one recapitulates the study's two objectives; part two recapitulates the hypotheses; part three contains the study's conclusions and thesis; while, part four provides the recommendations.

#### **5.1 Regional Security Policy**

##### **5.1.1. The Impediments**

The first objective of the study was to examine and analyze the factors explaining the failure to develop a common security strategy in the EAC. This objective sought to answer the pertinent question of why despite the obvious threats to security in the region and the provisions made in Articles 5,123,124 and 125 of the treaty establishing the community, the partner states have failed to develop a common security strategy. The underpinning assumption here was that there exist impediments to the realization of a common security policy in the political and economic realms of the EAC integration process.

The study therefore interrogated the two areas to establish the impediments. In the political realm the process of the state formation, the treaty establishing the community and its institutional framework were examined to determine the impediments embedded. In the economic realm, the bloc's gradualist integration approach that focuses on economic integration in the hope that this would ultimately lead to security and political integration was examined.

It was clear from the study that several impediments in the political and economic realms have derailed the process of formulating a regional security strategy. Key among the impediments is the region's state centric conceptualization of security as well as a number of provisions in the treaty establishing the community. The absence of common values and a common identity on which a regional conceptualization on security would be anchored has constrained the evolution of a common security policy. The study also found out that the pursuit of national interests in the guise of economic integration has relegated matters of security to a non-priority issue.

The study also revealed that the mistrusts and suspicions that led to the break-up of the EAC in 1977 still linger in the region. These suspicions have derailed the fast tracking of Political Federation in which the region's security framework is anchored.

### **5.1.2. Absence of Security policy and Limited Integration**

The study's second objective was to examine and analyze the nexus between the absence of regional security policy and limited integration. The objective sought to answer the second question of the study; to what extent the absence of a common security strategy in the region impedes the intensification of the integration process. The underpinning assumption here was that there exists a nexus between security and

regional integration. In this respect, the study closely examined the nexus between regional integration and security.

To do this the study interrogated the region's integration endeavour with an aim to establish if such thinking exists. The study found out that though the treaty establishing the community acknowledges the nexus between security and development, the realization of this has been constrained by the pursuit of national interests and a focus on sovereignty. The region regarded economic development and security as separate entities hence its preference for a gradualist regionalism approach to an integrated one.

The study also found out that there was no regional conceptualization of the regional interests that needed to be secured. The regional investments and infrastructure therefore, remain exposed to various threats. The challenges are compounded by lack of an all-inclusive coordination framework. Thus, the study proposes a new institutional coordination framework that is sensitive to the regional political and security peculiarities. Strengthening the act of coordination would increase achievements of both development and security interventions.

### **5.1.3. Proposed Regional Security Strategy**

The study's third objective was to proffer an outline of a Regional Security Strategy for EAC. The envisaged security framework should be based on the need to secure the state and the individuals in it. The approach should address the five sources of threats to state security as identified by Buzan. These are: military, political, economic,

societal and environmental threats.<sup>225</sup> The framework should also encompass human security whose focus is on protecting people from critical and pervasive threats and situations as well as building on their strengths and aspirations.

In developing the proposed framework, the study examined the region's security framework and the security complex in which the EAC is located. The study also established the commonalities in the partner states' interests and security threats. This, the study did by examining of the various national economic and development strategies, defence policies and foreign affairs policies and practices.

The study also established the existing opportunities in the region that can be turned into strategies upon which EAC can create a common agenda for peace, human security and conflict prevention in the region. The most serious security problems are political, social, economic and environmental rather than military in origin and character. Their solutions lie in socio-economic development and the consolidation of democracy. The study also found out that addressing the challenges of refugees, environmental destruction, the depletion of natural resources and the proliferation of small arms require a high level of collaboration among partner states.

There also exists an opportunity for the bloc to assess the common values under which a regional security framework can be anchored. The cultures and languages of the region are interconnected and the common historical experiences of the region's peoples, their common problems and aspirations, remain a firm and enduring foundation for common actions to promote regional economic welfare, collective self-reliance and integration in equity and partnership.

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<sup>225</sup> B. Buzan, *People, States and Fears: An Agenda for International Security Studies in the Post-Cold War Era*. Op cit Pp.19-20

For the purpose of formulating a Regional Security Strategy for the EAC, the study categorizes the common interests of the region as: survival, vital, major and peripheral as indicated in table 5: 1 below.

**Table 5.1 Conceiving Common EAC Regional Interests**

<b>Intensity of Interest</b>	<b>Collectivized EAC Regional Interests</b>
Survival	Protection of sovereign and territorial integrity
Vital	Sustainable economic growth and development
Major	Regional Integration Peace and security
Peripheral	Protection and promotion of national values, heritage and identity

Adapted from Donald Neuchterlein, "National Interests and National Strategy" in Dennis M. Drew & Donald M. Snow, *Making Twenty First Century Strategy: An Introduction to Modern National Security Processes and Problems*. (Air University Press, Maxwell Air force Base, Alabama, 2006), P.33

## **5.2 EAC Conceptualization of Security and Limited Integration**

The study set out to investigate the phenomenon in the light of two but related mindsets. The first hypothesis was that the constraints inherent in the evolution of a common security strategy in the EAC are a function of the unwillingness of the state actors to conceive common regional security threats as national interests. The second hypothesis was that the absence of a common security strategy is an impediment to the intensification of the integration process in the EAC.

To this extent, the study established that the impediments to the formulation of a functional regional security strategy are embedded in the state actors' state-centric perception of security. Their continued pursuit of national interests and sovereignty has rendered it difficult for the region to conceive common regional security threats as national interests. The study also revealed that the absence of a regional security strategy has denied the region a coordination mechanism to steer the integration process. As a result, most of the objectives of the integration process have not been attained as envisioned.

### **5.3 Conclusion and Thesis**

This study set out to respond to three questions; why despite the obvious threats in the region and the provisions made in the articles 5,123,124 and 125 of the EAC treaty, have the partner states failed to develop a common security strategy? To what extent does the absence of a common security strategy impede the intensification of the integration process? How can the states in the region evolve a common security policy? It did so by first tracing the evolution of security and cooperation in the EAC through the four stages preceding the birth of the current EAC. It then examined five factors that have impeded the development of a common security policy. It went on to establish the nexus between limited integration and the absence of a common security policy. Lastly, the study proffered a frame work for the development of such a policy and suggested some solutions to the identified challenges. Though attempts have been made to develop such a security framework, the study revealed that it does not meet the threshold of a regional security strategy. It is not clear how the threats addressed in the strategy were identified. The strategy also takes a military approach towards the presumed threats to the region's security.



The study therefore, advocates for a re-conceptualization of security in the region away from the current exclusively state-centric thinking. The region should instead adopt a broader comprehensive regional peace and security framework.

#### **5.4 Recommendations**

The study revealed that the nexus between integration and security has not taken root in the region. The EAC still regards economic development and security as separate entities hence its preference for a gradualist regionalism approach to that of an integrated one. The challenges are compounded by lack of an all-inclusive coordination framework. The study therefore recommends a new institutional coordination framework that is sensitive to the regional political and security peculiarities. Strengthening coordination in the integration process would increase achievements of both development and security interventions.

To address the region's security adequately, the study recommends the prioritization of political integration. Though this may not be the panacea to peace and security, it would facilitate establishment of regional instruments that promote peaceful management of conflicts and promote stability. The region should also adopt a broader and wider integration approach encompassing both development and security flagships.

Since integration means transfer of some powers and responsibilities to the regional mechanisms; there is therefore, need to build and strengthen supra-national institutions with the structural, financial capability and legal competence to suit the widened mandate. Commensurate capacities for monitoring follow up and enforcing compliance with these instruments is also crucial. In this respect, the Secretariat

should be restructured to provide executive supervision over the management of integration programs.

The study also revealed that most of the bottlenecks in the integration process arise from certain provisions of the treaty. To address the challenge of sovereignty for instance, the study recommends the immediate operationalisation of Article 8 (4 & 5) of the Treaty, which gives precedence to regional laws, policies and institutions over national laws, lest the Partner States renege on their commitments or selectively implement them.

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**APPENDICES**

**Appendix One: Interview Schedule**

**Regional Integration and Security Strategy in the East African Community (EAC)**

**Region**

This interview is aimed at collecting your views on:

- a. The factors explaining the failure to develop a common security strategy in the EAC
- b. The extent to which the absence of a common security strategy is an impediment to the intensification of the integration process
- c. How the EAC can develop a common security strategy.

All your responses will be treated with confidentiality as much as possible and will be used for the purpose of this research only.

**Section A: Background Information**

- 1. Respondent's Job Title/level (in the EAC Integration or security matters).....  
.....
- 2. Respondent's level of education (tick one):  
O-Level      A- Level  
A- Level      Bachelors Degree      Masters Degree      PhD Other  
(specify).....
- 3. How long have been at the Level indicated in (1) above?.....years

**Section B: Impediments to common security strategy formulation**

- 4. a) Does the EAC have a common security strategy?



Yes ( )

No ( )

b) If Yes, how was the strategy arrived at?

c) If No, mention four factors that have hindered the formulation of a common security strategy.

**Section C: Nexus between absence of a common security strategy and limited integration**

5. a) How vulnerable are the states in the region to internal security threats?

b) Would a functional regional security strategy address this challenge?

6. (a) Does the EAC integration historical background influence the regional security strategy?

Yes ( )

No ( )

b) Explain your answer in (a) above.

7. How have the regional integration objectives influenced the regional security strategy from 2008?

a) Has the EAC been able to meet its regional integration objectives?

Yes ( )

No ( )

b) Explain your answer in (a) above

8. (a) Has the absence of a common security strategy limited the intensification of the integration process?

Yes ( )

No ( )

(b) If Yes, mention three areas of limitation

**Section D: Security Strategy Formulation**

9. Does the region offer any opportunities for the creation of a common security agenda?

10. What are the most serious security threats in the region?

11. a) Have you participated in the formulation of EAC integration and security policies?

Yes ( )

No ( )

b) If Yes, in what capacity?

12. Which of the EAC organs/ institutions listed below is involved in the regional security formulation?

a. The Summit;

b. The Council;

c. The Co-ordination Committee;

d. Sectoral Committees;

e. The East African Court of Justice;

f. The East African Legislative Assembly;

g. The Secretariat;

h. Lake Victoria Basin Commission;

i. Inter-university Council of East Africa;

j. The East African Development Bank; and,

k. Lake Victoria Fisheries Organization

13. What are the most important EAC organs/ institutions?

a) Why are they important?

b) Do the organs/ institutions identified in (a) above fulfill their mandate?

Yes ( )

No ( )

c) If No please explain why and how

14. Is the EAC decision making model and impediment to the realization of a regional security strategy?

Yes ( )

No ( )

If Yes please explain how

15. (a) What are the key aspects or areas of concern in the EAC security? List any five in order of priority.

b) Why are the concerns identified important?

16. Do the EAC members share a common vision of regional peace and security?

17. How do the EAC members formulate the regional security strategy?

(a) Do all the partner states agree on what they call regional interests?

Yes ( )

No ( )

b) If Yes list any five agreed regional interests.

18. (a) Do the partner states have a common approach in the execution of the regional security strategy?

Yes ( )

No ( )

b) Explain your answer in (a) above.

19. (a) Are there common values shared by the EAC members?

Yes ( )

No ( )

b) If Yes list any four

c) Are the values identified important to the development of EAC?

Yes ( )

No ( )

d) Explain your answer in (c) above

20. What are the challenges being faced by EAC in its integration process and its security strategy?

a) Integration

b) Security strategy

21. What in your opinion is the way forward in the EAC regional integration process and its security architecture?

**Appendix Two: Work Plan**

ACTIVITY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
PROPOSAL WRITING	■	■	■								
DEPARMENTAL DEFENCE			■								
CORRECTIONS ON PROPOSAL				■							
SEEKING PERMISSION FOR RESEARCH				■							
PILOTING OF INSTRUMENTS					■	■					
DATA COLLECTION						■					
DATA ANALYSIS AND REPORT BINDING							■	■	■		
SUBMISSION OF BOUND COPIES										■	■