



Towards Political Federation in the East African Community  
**Achievements and Challenges**



**East African Community**

## Vision

A prosperous, competitive, secure, stable and politically united East Africa

*Afrika Mashariki yenye mafanikio, ushindani, usalama, imara na iliyounganika kisiasa*

## Mission

To widen and deepen Economic, Political, Social and Culture integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments

*Kupanua na kuimarisha uchumi, siasa, huduma za jamii na utamaduni wa kubadilishana ili kuboresha hali za maisha ya watu wa Afrika Mashariki kupitia ushindani endelevu, uzalishaji wa hali ya juu, biashara na uwekezeji*

Towards Political Federation in the East African Community

# Achievements and Challenges

# Editor's Preface



The pursuit of political integration is complex not only in East Africa but all over the world. The mantra that successful economic integration requires a complementary level of political integration has also gained momentum. Renowned integration scholars are undivided on the notion that regional integration may be economic but the process is political adding that good economics is the best politics. While the entry point for the EAC integration is economic, the entire process is political.

The EAC political integration agenda is founded on three pillars: common foreign and security policies, good governance and effective implementation of the prior stages of integration. Effective implementation of the Customs Union, the Common Market and the Monetary Union is critical in ensuring that the benefits of integration are realized and felt by the people of East Africa. Common foreign and security policies revolve around laying a firm foundation by building safeguards against geopolitical challenges in the contemporary world that are critical for survival and development. Good governance, in all its facets, positively correlates with the achievement of better growth rates, and particularly through the building of institutions in support of markets. Among other things, good governance promotes the rule of law; enhances participation, responsibility, and accountability; and has the potential to emancipate people from poverty as state legitimacy is recognized and entrenched.

Therefore, development of common regional policies, standards and benchmarks for foreign policy, security and good governance become a prerequisite for development and economic growth. Additionally, porous borders and the escalating security challenges and transnational crimes call for stringent security measures in the region. There is no doubt that path towards becoming one country has twists and turns. It requires upholding the territorial integrity of the region, speaking with one voice in the international arena and putting in place governance structures that would withstand the deepest form of integration.

The dream of the EAC political federation lives on... In June 1963, in Nairobi, the EAC Leaders, (Kenyatta, Nyerere and Obote) reached a declaration on the Federation by *the Governments of East Africa*. They were clear on the urgency to federate to avoid narrow differences and were quoted as follows:

*"We the leaders of the people and governments of East Africa assembled in Nairobi on 5<sup>th</sup> June 1963, pledge ourselves to the political Federation of East Africa. Our meeting today is motivated by the spirit of Pan-Africanism and not by mere regional interests. We are nationalists and reject tribalism, racialism, or inward looking policies. We believe that the day of decision has come, and to all our people we say there is no more room for slogans and words. This is our day of action in the cause of the ideals that we believe in and the unity and freedom for which we have suffered and sacrificed so much"*<sup>1</sup>

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<sup>1</sup> Nabudere, D W: Fast tracking of Federation and constitutionalism in East Africa, 2009, P 5

# Foreword



This publication is an attempt to document the progress, status, challenges and achievements on the three pillars of the EAC political federation. It all started in 2004 when the three then Heads of State of the three EAC Partner States Museveni, Mkapa and Moi of Uganda, Tanzania and Kenya respectively reflected on the status of the EAC integration process, and were concerned with the slow pace and the tardiness in the process. They established a Committee to examine ways and means of deepening and accelerating the process so that the ultimate goal of a Political Federation would be achieved through a fast-track mechanism. At a special Summit held in August 2004 in Nairobi, the EAC Heads of State resolved to expedite and compress the process of integration to achieve political integration sooner than later. As a result of the consultative process, the office of Deputy Secretary General responsible for Political Federation was established in 2006.

EAC Policy Makers accepted the centrality of political integration in its agenda when they made a landmark Decision to commence the process towards the political federation in August 2004. This publication outlines the achievements, challenges and opportunities since then, until December 2013.

**Dr Richard Sezibera**  
Ambassador  
Secretary General  
East African Community

## Acronyms and Abbreviations

ACP	Africa Caribbean Pacific
AfDB	African Development Bank
APSA	African Peace and Security Architecture
AU	African Union
CEWS	Continental Early Warning System
CEWARN	Conflict Early Warning and Response Mechanism
CID	Criminal Investigation Department
COMWARN	COMESA Early Warning System
CPMR	Conflict Prevention Management and Resolution
EAC	East African Community
EACJ	East African Court of Justice
EACSOF	East African Civil Society Organisations Forum
EACWARN	East African Community Early Warning Mechanism
EALA	East African Legislative Assembly
EAPCCO	East African Police Chiefs Cooperation Organisation
ECGLC	Economic Community of the Great Lakes Countries
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
EU	European Union
FCC	Fears Concerns and Challenges
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICGLR	International Conference on Great Lakes Region
IGAD	Intergovernmental Authority on Development
IOC	Indian Ocean Commission
MASE	Maritime Security
NCC	National Consultative Committees
NCPR	Nyerere Center for Peace Research
NEWC	National Early Warning Centers
OSAA	Office of the Special Advisor on Africa
PEP	Panel of Eminent Persons
PSC	Peace and Security Council
REC	Regional Economic Community
RM	Regional Mechanism
SADC	Southern African Development Community
SALW	Small Arms Light Weapons
UN	United Nations
UNECA	United Nations Economic Commission for Africa

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1.

The Vision of an  
East African Political Federation

# 1. The Vision of an East African Political Federation

The East African Community is among the most developing Regional Economic Communities (RECs) on the African Continent in economic terms. In view of its political ambition, it is worldwide unique. EAC is, so far, the only Regional Economic Community that has the objective to attain a Political Federation, in an incremental progression through the stages of a Customs Union, a Common Market, and a Monetary Union. Article 5 (2), of the Treaty for the Establishment of the East African Community sets as the final and ultimate stage of the integration process, the birth of a Political Federation of East African States. To this extent, the EAC Partner States have established a Customs Union in 2005, a Common Market in 2010 and signed the Protocol for a Monetary Union in 2013. The Monetary Union is expected to be established in 2024. Fast-tracking the Political Federation is now a priority for the EAC. The Political Federation is expected to create a unified political authority capable of coordinating policies as well as ensuring sustainable growth and development in the bloc.<sup>2</sup>

Since 2004, the EAC has been putting in place initiatives to fast-track political integration. Summit directives were given and national consultations with stakeholders as well as various studies were undertaken to examine, facilitate and fast-track the process. In the consultations, it became clear that the East African citizens want to be adequately engaged and to have a say in the decisions and policies pursued by the East African Community. Regional platforms for dialogue were needed where different stakeholders could participate and contribute to the integration process. In this regard, regional fora of electoral commissions, human rights commissions, anti-corruption agencies, chief justices, political parties among others were created by EAC. Subsequently, it emerged necessary to unpack Political Federation through the wider lenses of political integration by including in the consultations issues of peace and security, foreign policy coordination, good governance as well as their linkages with the other stages of EAC Integration, namely the Customs Union, the Common Market and the Monetary Union. All stakeholders recognized that the establishment of the Political Federation will be a long, sensitive and emotional political process which will touch on the heartbeat of EAC Partner States, namely on their sovereignty.<sup>3</sup>

As of now EAC has enunciated a robust program on promoting good governance, peace and security and common foreign policy coordination that seeks to establish and institutionalize regional standards and benchmarks for political integration. But how far has EAC political integration come, 10 years down the line?

This publication casts a light on the achievements and challenges towards the progress towards Political Federation as of December 2013.

<sup>2</sup> A Draft Model of the Structure of the East African Political Federation, 2012, P 3

<sup>3</sup> Waffubwa I & Birunji J. C (eds.), The drive towards political integration in East Africa. A book in honor of Hon. Beatrice Kiraso. 2012, Forward and P 55



2.

The Way Towards  
the EAC Political Federation

## 2. The Way Towards the EAC Political Federation

The history of regional cooperation in East Africa dates back to pre-colonial times. The British colonial government proposed to integrate East Africa. Later, after independence, African leaders pursued the idea of forming an EAC Federation as a step towards the United States of Africa. The most serious effort at regional integration began on 1<sup>st</sup> December 1967 with the coming into force of the Treaty for East African Cooperation. This first try at regional integration in East Africa was officially dissolved in 1977 due to political and ideological differences between the political leaders at that time. However, the desire for East African Unity was kept alive until the new East African Community was born in 1999.

Unlike the Treaty from 1967, the current EAC Treaty explicitly provides for a Political Federation as the final stage of EAC Integration.

### 2.1 The Mandate

The EAC Treaty is not explicit on the time frame for the establishment of the Political Federation.

Article 5 (2) states that:

*'The Partner States undertake to establish among themselves a Customs Union, a Common Market, subsequently a Monetary Union and ultimately, a Political Federation.'*

Article 11 (3) provides that:

*'The Summit shall review the state of peace, security and good governance within the Community and the progress achieved towards the establishment of a Political Federation of the Partner States.'*

Article 123 (6) stipulates that:

*'The Summit shall initiate the process towards the establishment of Political Federation of the Partner States by directing the Council of Ministers to undertake the process.'*

### 2.2 Laying the foundation for an East African Political Federation

Laying a firm foundation for Political Federation began with the establishment of institutions such as the East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ), which are linked to the respective national frameworks. Inaugurated in 2001, EALA and EACJ completed the organisational set up of the Community, complementing its earlier established organs, namely the Summit of Heads of States, the Council of Ministers, the Coordination Committee and the Secretariat. The mandates given to both organs ensure a monitoring of activities and safeguarding of the Treaty. Their establishment can be seen as the earliest achievement of the Community towards Political Federation, providing fully functioning executive, legislative and judicial organs.<sup>4</sup> The establishment of the Defence Liaison office, coordination of Foreign Policy and coordination of monetary and fiscal policies is indicative of the higher stage of integration pursued by the East African Community than other RECs. In 2006, the Heads of State established the office of Deputy Secretary General responsible for Political Federation at the EAC Secretariat in charge of coordinating and the fast-track of the process towards Political Federation.

#### **The EAC Secretariat: Mandate to coordinate the East African Political Federation**

The responsibility for coordinating the political integration process belongs to the Office of Political Federation, at the EAC Secretariat in Arusha, Tanzania. Its establishment is within the context of achieving the EAC vision of a politically united and stable East Africa.

As of now, the Office of Political Federation comprises three Departments, namely Political Affairs, Peace & Security and International Relations, representing the three core pillars underpinning the Political Federation.

<sup>4</sup> Report of the Committee on Fast Tracking East African Political Federation, 2004, P 10

The work of the three sectors covers the following specific initiatives and programs:

### **Key programmes and activities under Political Affairs**

- Consultation, sensitisation and studies on the EAC Political Federation
- Coordination of the process towards Political Federation
- Promotion of good governance in regional integration
- Development and consolidation of democracy and the rule of law
- Respect for human rights and fundamental freedoms
- Prevention and fight against corruption; enhancement of ethics, integrity and accountability
- The work of the Department of Political Affairs is complemented by the Department of International Affairs and Peace and Security. All three departments work towards the vision of an East African Political Federation and are laying the basis for the same through their different programs.

### **Key programmes and activities under Peace and Security:**

- Implementation of the African Peace and Security Architecture on regional and national level e.g.
  - Establishment of Conflict Prevention, Management and Resolution Mechanism (CPMR)
  - EAC Early Warning System (EACWARN)
  - Mediation Framework, including the Panel of Eminent Persons
  - Peace Facility
  - The Peace and Security sector Policy Development
- Coordination and facilitation of regional peace & security activities
- Implementation of cooperation arrangements with other regional and international organizations with a peace and security mandate

### **Key programmes and activities under International Relations:**

- Development of regional policies to facilitate Partner States' collaboration in matters under foreign affairs
- Development of measures to strengthen engagement of the Partner States Diplomatic Missions in regional integration
- Coordination of the implementation of strategies for systematic cooperation between EAC and other RECs, EU, ACP and the UN
- Development of effective strategies for marketing EAC abroad

### **2.3 The strong wish to fast-track the EAC Political Federation**

The wish to fast-track the EAC Political Federation was born after the Partner States realized the futility of pursuing economic integration without political authority. Concerned about the slow pace of implementation, the Heads of State resolved to examine ways of expediting the process towards Political Federation at the EAC Summit in Nairobi on 27<sup>th</sup>-29<sup>th</sup> August 2004.<sup>5</sup>

On 28<sup>th</sup> August 2004 the so called Wako Committee (named after its chair person Amos Wako from Kenya, then Kenya's Attorney General) was established to fast-track Political Federation. The Committee presented its report to the Summit in November 2004. The same found that the consultations by the Wako Committee were not sufficient to make concrete decisions towards Political Federation. To fill this gap, the Summit directed the Council to initiate the process of sensitizing and consulting East Africans on their views on the Political Federation. National Consultation Committees (NCC) were appointed which carried out assessments in all Partner States between 2006 and 2008. The NCCs reports identified the following 'Fears, Concerns and Challenges' (FCCs).

<sup>5</sup> Waffubwa I & Birunji J. C (eds.), The drive towards political integration in East Africa. A book in honor of Hon. Beatrice Kiraso, 2012, P 56

### **The FCCs related to political and legal issues:**

- Disparities in the national constitutions and practices of democracy, good governance, anti-corruption, human rights and rule of law
- Lack of uniformity in doctrine, discipline and accountability among agencies dealing with peace, security and defense
- Loss of sovereignty
- Lack of mechanism for participation of national political parties in the federal arrangement
- Lack of clarity on the Model of Federation<sup>6</sup>

The Summit further directed that these FCCs be studied by a team of experts, which should make concrete recommendations on how to address them. The findings were considered by the 13<sup>th</sup> Ordinary Summit of the Heads of State held in Burundi on 30<sup>th</sup> November 2011. The Summit directed the Secretariat to:

- Produce a Roadmap for establishing and strengthening the institutions identified as critical to the functioning of a Customs Union, Common Market, and Monetary Union
- Formulate an Action plan to operationalize the recommendations of the report
- Propose an Action plan on a draft model of the structure of the East African Political Federation

### **2.4 The proposed model of the East African Federation<sup>7</sup>**

In response to the Summit directive of 2011, the EAC Secretariat presented to the 14<sup>th</sup> Ordinary Summit in November 2012 a draft model structure and an action plan of the EAC Political Federation.

The salient features of the proposed Political Federation are highlighted as follows:

#### **a) The rationale**

The rationale for the East African Federation lies in the shared common history of the people in East Africa as well as in the need to safeguard and to pursue a common destiny in order to survive in the challenging global arena. The people of East Africa have enjoyed close historical, political, social, economic, cultural, lingual and other ties for generations and acknowledge the necessity to move beyond economic integration to deeper integration driven by a Political Federation.

The establishment of a Political Federation will entail the pooling of sovereignty into a single stronger political entity with capacity to better manage the regional resources.

A Political Federation will facilitate regional peace, security, stability, good neighbourliness, and peaceful settlement of disputes.

#### **b) The purpose of the East African Federation**

The primary purpose of the Political Federation is to unite the Partner States into one Federal State, which is expected to have a unified political authority capable of coordinating policies and addressing challenges associated therewith. This will ensure sustainable growth and development in all sectors.

#### **c) Establishment of the East African Federation**

The Political Federation will be established by the Partner States, with a one name and governed by a common constitution. The Partner States shall become Constituent States within the federation but will remain autonomous in all non-federal matters. Upon establishment, the citizens of the Constituent States will become automatic citizens of the federation, so that there will be a dual citizenship.

#### **d) Principles, Values and Objectives of the Federation**

It is proposed that the Federation shall be founded on and be guided by defined fundamental and operational principles and clear objectives. The fundamental principles on which the Federation shall be anchored include the sovereignty of the people and the federation.

<sup>6</sup> Report of the Team of Experts on Addressing the Fears, Concerns and Challenges of the East African Federation, October 2011, P 4-10

<sup>7</sup> A Draft Model of the Structure of the East African Political Federation, October 2012, EAC Secretariat

Among the key operational principles are the supremacy of the federal organ as well as the principles of subsidiarity and equitability. The key objectives of the Federation include the establishment of a central authority over the federal territory, as well as the consolidation of the gain and benefits so far realized from the current level of integration.

#### **e) Structure of the East African Federation**

The proposed model of the East African Federation is a Federal State to be constituted by a two-tier structure of Federal and Constituent States. It is proposed that the Federal State be composed of a Federal Executive, Federal Legislative and a Federal Judiciary, with functions based on the principle of separation of powers between the three organs.

##### **• Legislative**

The Federal Legislative is proposed to be bicameral, with a Senate composed of equal representation from the Constituent States. The key functions of the Senate will be to safeguard, promote and enhance interests of the Federation, and to represent the interests of the Constituent States. A House of Representatives is to be composed of members elected on the basis of proportional representation of the population and will be responsible for the representation of the citizens of the Federation.

##### **• Executive**

The Federal State is proposed to have a presidential system of government with a President and Vice President. There should be a cabinet that is inclusive and accountable.

##### **• Judiciary**

The Federal Judiciary is proposed to be independent with a Chief Justice. The jurisdiction of the Federal Judiciary will include constitutional matters and being the final appellate court. It will have primary jurisdiction on human rights.

#### **f) Power and functions of the Federal Government**

The powers and functions proposed for the Federal Government are informed by international practice. These include defense and security, foreign affairs and international trade, immigration, infrastructure development, and the Federal public service, among others.

#### **g) Powers and functions of the Constituent States**

The Constituent States will be expected to implement Federal laws and policies and remain responsible for and autonomous in all non-federal matters. These include land, local government, matters of personal law, and domestic trade among others.

#### **h) Concurrent roles and responsibilities**

It is acknowledged that in some areas, there will be concurrent competencies between the Federal State and the Constituent States. This is anticipated in areas like citizenship, statistics and census, justice and constitutional affairs, education, health and agriculture, among others.

#### **i) Federal institutions and assets**

It is proposed that a number of Federal Institutions will be established including a Federal Central Bank, a Federal Electoral Commission, a Federal Finance Commission, and a Federal Service Commission among others.

#### **j) Federal budget, capital and anthem**

There will be a federal budget, capital, and anthem.

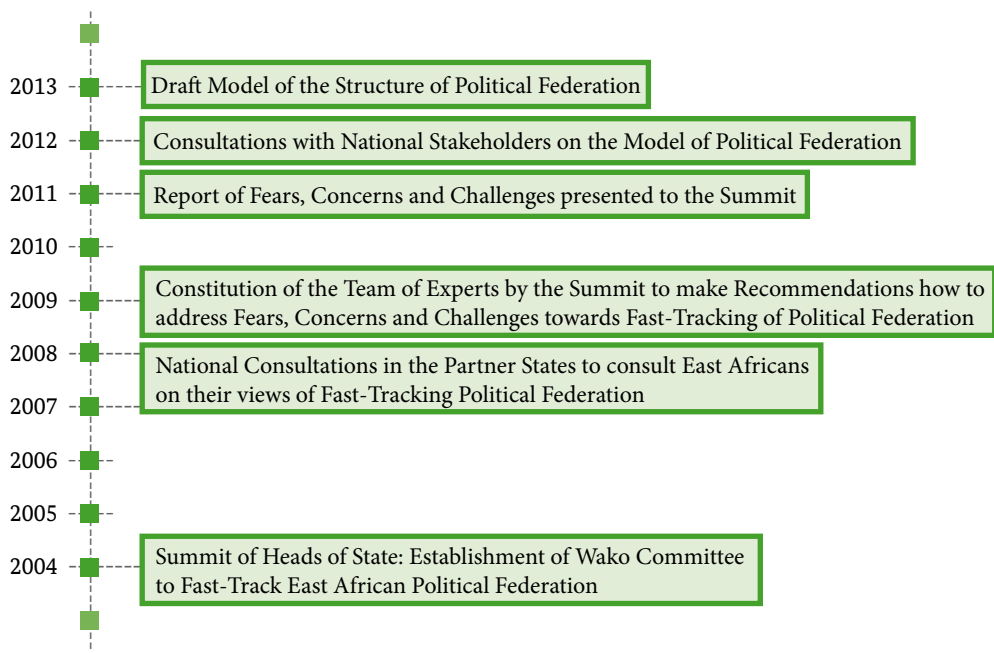
#### **k) Transitional Arrangements**

It is proposed that there will be transitional agreements to be spelt out in detail in the Treaty establishing the Federation and the Federal Constitution on the following matters:

- External debts
- Succession of Treaties
- Community laws

This draft Model of the EAC Political Federation was considered by the 14<sup>th</sup> Summit of Heads of States in 2012. Because of the far-reaching implications of the proposed Model in relation to the national governance structure, the Summit directed the Secretariat to engage in further consultations with national stakeholders and to report progress at the 15<sup>th</sup> Summit Meeting in November 2013. The comments from the national stakeholders were a little diverse, as expected. The Summit reversed consideration of the Model Structure and Action plan to its 12<sup>th</sup> Extra Ordinary Summit of April 2014. A meeting of regional experts to review and incorporate Partner States' comments into the instruments was found necessary before submission of the revised instruments to the Council for onward transmission to the Summit. It is expected that upcoming sessions of policy organ meetings in 2014 will agree on a model of EAC Political Federation.

### Steps towards EAC Political Federation (2004-2013)





3.

Achievements and Challenges  
in the Underpinning Pillars  
of Political Federation

### 3. Achievements and Challenges in the Underpinning Pillars of Political Federation



*The attainment of the Political Federation is a PROCESS and not an event.*



In that sense, the pillars of Political Federation need to be strengthened first to provide a firm foundation for the federation itself. For that, strong policy platforms have been established in the conduct of security, foreign policy and governance matters, and a transformation of regional policies, institutional arrangements and capacities has started to take shape.

#### 3.1 Political Affairs

The mandate of the EAC Department of Political Affairs is mentioned under Article 123 of the Treaty to consolidate democracy, the rule of law and respect for human rights, and enhancing eventual establishment of a Political Federation. The Department seeks to promote tenets of the EAC integration as spelt out under Article 3 (3) (b) and the provisions under Article 6 (d) and Article 7 (2) of the Treaty. Under these provisions, Partner States undertake efforts to abide by the principles of good governance, democracy, the rule of law, social justice and human rights. The programs being undertaken by the Department include initiating and/or coordinating policy development and harmonisation, as well as organising consultations and studies that examine the fundamentals for the envisaged Political Federation. The Department also carries out sensitisation and mobilisation of various stakeholders to promote and enhance awareness about the integration processes to garner support for the EAC Political Federation.

#### 3.1.1 Achievements

The sector of Political Affairs in the EAC has registered key milestones in the past ten years, despite the highly sensitive discussions on a future East African Political Federation. The fear of the unknown in association with political integration has largely been demystified. There is continued understanding and appreciation of political integration as an integral part of economic integration. This understanding has led to policy decisions for the development of various regional instruments whose conclusion is expected soon. The sector has generated interest among other actors and stakeholders through media engagement and sensitisation activities. Among them are civil society organisations, academia, private sector, youth, political parties, and border communities. The following describes the concrete achievements under the different topic areas of Political Affairs.

##### 3.1.1.1 EAC Programme on Good Governance

The EAC Treaty recognizes good governance as one of the fundamental principles that govern the achievement of the objectives of the Community. Thus the program on good governance forms one of the pillars of political integration and therefore is vital in laying the Political Federation.<sup>8</sup> The program is based on the necessity to develop and consolidate democracy, rule of law and respect for human rights and fundamental freedoms. These tenets also form the benchmarks for admission of new members of the Community under Article 3 of the EAC Treaty. The programme has created a platform for national institutions of governance to exchange information, share experiences

<sup>8</sup> Waffubwa I & Birunji J. C (eds.), The drive towards political integration in East Africa. A book in honor of Hon. Beatrice Kiraso. 2012, P 79

and dialogue on policies, strategies, laws and programs with a view to developing regional standards. It brings together national agencies and institutions responsible for human rights, anti-corruption, electoral processes, judicial processes and legislatures. Below is an elaboration of the different intervention areas.

### 3.1.1.2 Human Rights and Social Justice

Promotion and protection of human rights is key to an integrated East Africa. It becomes more pertinent as the EAC integration deepens with the implementation of the Common Market Protocol. The Protocol provides for rights and freedoms including free movement of persons, labour, services and capital as well as rights of establishment and residence. This calls for robust programs on the promotion and protection of these rights and freedoms with regional benchmarks, standards, and effective structures.

To facilitate the work of the Sector, the Council established the **EAC Forum of National Human Rights Institutions**. The forum facilitates exchange of experiences, views, information, challenges, and best practices. Further, it is sharing progress on implementing human rights programs at national level so as to enhance cooperation at regional level. Among its achievements, the Forum conducted an evaluation of the national constitutions and other international instruments with the ultimate aim of standardizing and adopting best practices. An **EAC Bill of Rights**, which seeks to set a regional model law in promotion and protection of human rights was passed by EALA in 2012. It aims at harmonising the bills of rights contained in the national constitutions of the Partner States. The Bill awaits assent by the EAC Heads of States.

The Sector is currently operating based on the EAC Plan of Action on Promotion and Protection of Human Rights whose objective is to enhance and complement Partner States laws, policies, and strategies. The programs are geared towards inculcating the culture of respect for human rights in line with the Community's fundamental principles. This sector has been in the forefront in advocating for extension of the

jurisdiction of the East African Court of Justice to adjudicate issues of human rights violation and engendering a human rights approach to the integration process. It is in the same vein that the Summit directed the Secretariat to develop a concept paper for consideration on inclusion of crimes against humanity as an additional jurisdiction of the EACJ.

### 3.1.1.3 Democracy and Electoral processes

One of the key ingredients for sustainable peace, security, and development is the consolidation of democracy and democratic principles. Entrenching the culture of democracy and embracing electoral competition in a mature, consensual, and non-adversarial spirit is obligatory in order to secure the benefits of integration. The lesson learnt is that most conflicts in the eastern African region that continue to impede development are governance related.

- **The EAC Forum of Electoral Commissions** was established as a regional platform for National Electoral Commissions to share experiences, challenges, and best practices in organizing and conducting democratic, free, fair, and credible elections as well as enhancing harmonization of democratization processes. The forum initiates policies that promote democratic culture, dialogue, and policy development on electoral integrity and justice.
- **EAC Principles on Election Observation and Evaluation**  
The sector developed the Principles on Election Observation and Evaluation that were endorsed by the Council. This instrument is used to guide election observation in the region and promote credibility of electoral processes and outcomes. The policy framework for the EAC Forum of Electoral Commissions was also concluded and adopted. The sector has identified the ever-escalating cost of elections as a problem and recommended developing a mechanism for sharing of election materials to cut the cost of elections. So far, support missions have been delegated to Electoral Management Bodies to hold joint election observation



Promotion of Good  
Governance in the EAC

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*(L-R) Mr. Joseph Biribonwa, Deputy Chair, Electoral Commission of Uganda, Hon. Abdulrahman Kinana, Former Speaker of EALA and Head of mission of the EAC EOM to Kenya in March 2013 during a workshop to review the performance of the Election Observation Mission in Kenya.*

missions. A joint EAC - COMESA - IGAD elections observation mission was deployed to Uganda for the 2010 national elections, as well as to Kenya for the general election in 2013. In response to an invitation from the Government of Rwanda and the National Electoral Commission, the EAC has deployed its first stand-alone Observer Mission to the Parliamentary Elections in September 2013.

#### **3.1.1.4 Preventing and Combating Corruption and Enhancing Ethics and Integrity**

Corruption is considered as one of the systemic drawbacks to successful regional integration. In the EA region, corruption has been identified as one of the non-tariff barriers to trade, free movement of goods and services. The linkage between corruption and other transnational organized crimes cannot be overemphasized. As such the need to promote anti-corruption, accountability, ethics and integrity in the EAC integration cannot be overstated.

The Council established the **Sectoral Committee on Preventing and Combating Corruption**, charged with initiating policies and guiding implementation of the relevant decisions of the Council. It consists of Heads of National Anti-Corruption Authorities, representatives from Ministries responsible for anti-corruption, ethics and integrity, Departments responsible for prosecution; and other regulatory and oversight bodies in the fight against corruption.

The sector initiated development of the **Protocol on Preventing and Combating Corruption**, which is in its final stages of conclusion and adoption. The protocol provides for regional preventive measures and enforcement of offences arising from acts of corruption. It provides for asset recovery and forfeiture, transfer of criminal proceedings, financial intelligence units and development and harmonization of policies and national legislations. Additionally, a three-year EAC Plan of Action on Preventing and Combating Corruption

with strategic interventions was adopted by the 18<sup>th</sup> Sectoral Council of Ministers responsible for EAC Affairs and Planning for implementation. The Plan of Action will guide implementation of activities in the sector until the Protocol on Combating and Preventing Corruption is concluded and signed.

#### **3.1.1.5 EAC Forum of Chief Justices**

The **EAC Forum of Chief Justices** was established to contribute to policy formulation in upholding the rule of law, enhancing access to justice and building jurisprudence for the EAC. The Forum initiates regional judicial policies, devises strategies and programs to promote good governance and compliance to the fundamental principles of the EAC as provided for in Article 6 (d) of the Treaty. The Forum facilitates exchange and capacity building programs while spearheading harmonization of policies and strategies with a view to adopting best practices and common standards for the efficient and effective administration of justice. Since the Judiciary is an independent organ of any governance system, there was need for a policy framework that clarifies the Forum's functions, role and institutional framework for the EAC Policy Organs.

#### **3.1.1.6 Upholding Constitutionalism, Rule of Law and Access to Justice**

The sector is based on the principle that all persons, institutions and entities, public and private, including the state itself, are accountable to a pre-established set of laws that are publicly promulgated, widely accepted, equally enforced and independently adjudicated. If this is the normative position at the national level, no doubt, the same should be reinforced and sustained at the regional level. The sector contributes to harmonization of laws, policies and strategies on access to justice and upholding the rule of law in the region. **The Committee on Rule of Law and Access to Justice** is composed of representatives of the Heads of Law Reform Commissions, Ministry of Justice and Constitutional Affairs / Attorney Generals Offices, Law Enforcement, Prisons,

Human Rights Commission, Parliament and Ministries for Good Governance. The Committee meets once a year but is yet to be formally established.

### 3.1.1.7 Development of the EAC Protocol on Good Governance

Development of the Protocol on Good Governance was inspired by the conviction that benefits of integration can only be felt in an environment where governance systems are efficiently managed, based on the tenets of good governance.

The main objective of the protocol is to entrench democracy, the rule of law, accountability, transparency, social justice, equal opportunities, and gender equality in the integration processes.

It contains the following parts which also constitute the pillars of good governance:

- a) Upholding constitutionalism, rule of law and access to justice;
- b) Protection of human rights and promotion of equal opportunities;
- c) Promotion of democracy and electoral processes;
- d) Upholding the principle of separation of powers;
- e) Preventing and combating corruption;
- f) Conflict prevention, management and resolution;
- g) Economic governance;
- h) Private sector development and corporate governance.

The draft protocol contains an institutional framework that is intended to establish a governance review mechanism with a strong follow-up and monitoring mechanism. The sector continues to develop regional policies and frameworks, to establish formal structures and to develop instruments geared towards promoting good governance principles.

### 3.1.1.8 Ongoing periodic events

#### • The EAC Annual Conferences on Good Governance

The EAC Annual Conferences on Good Governance have become one of the signature events in the drive for political integration. They bring together key stakeholders to discuss and debate core issues on diverse thematic areas of good governance in regional integration.

Recommendations made at these events are considered by the Council and included in programming as well as in policymaking.

#### Four conferences have been held so far:

19<sup>th</sup> - 21<sup>st</sup> January 2009 in Dar-es-Salaam, Tanzania

**‘The Role of Good Governance in regional integration’**

19<sup>th</sup> - 20<sup>th</sup> August 2010 in Nairobi, Kenya

**‘Good Governance for Sustainable Integration, Stability and Development’**

17<sup>th</sup> - 18<sup>th</sup> August 2011 in Kampala, Uganda

**‘Upholding the Rule of Law and Constitutionalism for the Promotion of Regional Integration’**

8<sup>th</sup> - 9<sup>th</sup> July, 2013 in Kigali, Rwanda

**‘Sustaining the Fight against Corruption to Promote Regional Integration’**

- **Regional Consultative Meeting for Political Parties**

As the EAC integration deepened, there was a realization and a growing need to bring on board various key stakeholders. In 2008, the EAC carried out national level consultations with political parties. The purpose was to sensitize them on the EAC integration and to emphasize their importance and centrality in the political processes. Among the key outcomes of the interaction was the need for a forum at a regional level that would bring together political parties to facilitate their identification with each other beyond national borders. The conceptualization was informed by the principle that sustainable democracy is critically dependent on well-functioning political parties.

The first EAC Consultative meeting of political parties took place in Nairobi, Kenya in 2011 under the name ‘Exploring the Role of Political Parties in the EAC Integration’. The main objective of the meeting was to bring together political parties from East Africa in a consultative platform that would promote dialogue and share understandings of their role in the EAC political integration process. The meeting provided an opportunity for political parties to examine their manifestos, establish areas of convergence and propose ways of how they will advance in preparation for participation in the regional political agenda in a manner that inspires the EA identity. Among the recommendations, the need to move towards direct election of members of the EALA through universal suffrage was lauded as a means of enhancing representation and accountability. The meeting takes place biannually.

- **EAC Dialogue on Political Integration**

The attainment of a Political Federation obliges involvement of other critical stakeholders in the political integration processes. The move towards a Political Federation requires deliberate efforts to ensure inclusion

and participation of all segments of East Africans in order to be in sync with the principle of a people centered and private sector driven community. Based on the same principle, involvement of the key stakeholders should also be in a manner that is meaningful and practical.

### **Three EAC Dialogues on Political Integration have been held so far:**

17<sup>th</sup> - 18<sup>th</sup> November 2011 in Kampala, Uganda

**‘Enhancing Representation/Inclusiveness in Promoting EAC Integration’**

18<sup>th</sup> -19<sup>th</sup> April 2012 in Dar es Salaam, Tanzania

**‘Exploring the Relationship between Political and Economic Integration’**

3<sup>rd</sup> - 4<sup>th</sup> June, 2013 in Kigali, Rwanda

**‘EAC Women Leaders as the Drivers of the Political Integration Agenda’**

Through the above mentioned interventions, EAC demonstrates that participation by citizens is at the core of the community. The Treaty advocates the need for people-driven and people-centered development. The EAC Treaty defines East Africa’s integration goal as “people centered, private sector led, market driven, internationally competitive and sustainable development in East Africa” emphasizing the need to re-cast the integration strategy and bring actors outside national governments on board.

• **The EAC University Students Debates**

The EAC under Nyerere Centre for Peace Research (NCPDR) has initiated two series of University Students Debates aiming at promoting continuous dialogue among EAC youth sensitizing them on the benefits and challenges of integration.

The 1<sup>st</sup> EAC University Students Debate on regional integration took place in August 2012 in Arusha, Tanzania. The students debated on the benefits and challenges of the EAC integration. The main objective of the Debate was to promote continuous dialogue among the youth and interest them in advocating for regional integration initiatives. The debate attracted over 100 participants, including students, lecturers from public, private and other higher learning institutions, representatives from private sector and civil society, media, technocrats and academia. One of the key outcomes of the event was the appointment of the EAC Youth Ambassadors and Best Debaters with the objective of conducting peer-to-peer sensitisation on the EAC integration at Universities across the region. The second University Students Debate took place in September 2013 in Dar es Salaam and has again sparked great enthusiasm and new initiatives among the youth and the appointed youth ambassadors. The EAC University Students debate will continue to take place once a year.

• **Research and publication of EAC Occasional Papers**

The process towards attainment of political integration compels a medium for continuous debate and dialogue on key issues that constitute pillars of political integration. In this regard, the EAC commissions studies that are published as EAC Occasional Papers. They are intended to promote continuous dialogue on core and emerging issues relevant within the scope of political integration. The findings and recommendations from the studies support the policy-making processes as well as assist in making informed decisions by the Council.

**The following EAC Occasional Papers were published since 2010:**

- A comparative study on the structures and functioning of federations
- Participation of political parties in East Africa integration process
- Representation in East African integration process.
- EAC integration *vis-a-vis* Promotion of Human Rights in the region
- An Analysis of the EACJ jurisdiction with a view to enhancing its capacity as a Regional Judicial Organ to handle Governance related issues
- Development of Regional Standards for Economic and Corporate Governance to promote integration
- Development of EAC Governance Review Mechanism as envisaged in the Draft Protocol on Good Governance
- Examination of national political party constitutions, practices and how they relate to national constitutions and the EAC Treaty and
- Analysis of the existing institutions and instruments that address accountability and oversight in the fight against corruption

The publications are presented in a dissemination workshop in order to exhibit the research papers and to highlight the findings and recommendations that require implementation and/or further programming. The papers also form the themes of the 'Dialogue on Political Integration'.

## 2<sup>nd</sup> EAC University Students' Debate on Regional Intergration

Understanding Opportunities and Challenges arising from the EAC Intergration for Youth in Africa

2013  
Mont Hotel - Dar es Salaam, United Republic of Tanzania



Launching of the EAC Youth Ambassadors Platform on 2<sup>nd</sup> September 2013, Dar es Salaam; Far left Mr. Charles Njoroge, EAC Deputy Secretary General, Political Federation, far right Mrs. Isabelle Waffubwa, EAC Principal Officer, Political Affairs, and EAC Youth Ambassadors.

### **3.1.1.9 Nyerere Center for Peace and Research**

EAC Nyerere Center for Peace and Research was formally launched in July 2007. The Centre is a functional unit in the office of the Deputy Secretary General in charge of Political Federation at the EAC Secretariat. Its mandate was inspired by the legacy of peace by the Late Mwalimu Nyerere. The mission of the Centre is to contribute to peace, security, and political stability, as they are prerequisites for social and economic development within the Community and vital to the achievement of its objectives.

The strategic vision of the Centre is to enhance capacities towards a stable and peaceful environment for enhanced human security, regional integration and development.

The overall objective of the Centre is to provide the EAC with relevant and timely research, training and information that contribute to deepening and widening of the integration in areas under cooperation in political matters including peace and security, governance and foreign policy coordination. Activities such as capacity building and skills enhancement for policy makers, technocrats and practitioners have been undertaken in the area of conflict prevention and resolution. The Center's research programmes are guided by a research agenda, developed in collaboration with the IUCEA, academia, and government representatives.

The Council at its 26<sup>th</sup> Meeting in Kampala adopted the five-year strategic plan for the Centre with a strategic focus that seeks to contribute to the integration process. The Centre also promotes dialogue and awareness on regional integration among students to enhance their interest in the integration agenda and coordinates the EAC Youth Ambassadors Platform.

To this end the Centre has established a niche in conducting students training and exchange programmes for East African Students on topical issues relating to peace and good governance and regional integration.

### **3.1.2 Challenges**

While the configuration of the EAC decision-making structures in many sectors was meant to ease policy making, the absence of a specific Sectoral Council on Political Affairs has been a bottleneck to decision-making in political affairs. The absence of specific Sectoral Council leads to delayed consideration or adoption of recommendations, meaning that sector specific ministries or agencies at national level may not be involved at the EAC decision making processes. The challenge is compounded by the fact that most sectors covered under Political Affairs include institutions or departments that are independent and semi autonomous in line with their constitutional establishments by their national governments. These include the Forum of Human Rights Commissions, Anti-corruption agencies, Electoral Commission and the Judiciary. While absence of a mechanism for follow up and monitor implementation of Council decisions has been a challenge, the Directive of the 15<sup>th</sup> Summit of EAC Heads of State to have a standing agenda on the challenge may turn things around. This is however, coupled with the structural weakness of the EAC Secretariat in that it has no executive powers to enforce policy directives and decisions. Furthermore, inadequate staffing and financial constraints impede the support for political integration even on non-controversial issues.

In general, integration in political affairs has been quite eventful. It has set the ground for continuing dialogue on the subject of political federation.

### **3.2 Peace and Security**

Safeguarding peace and security in East Africa is crucial for a Political Federation, as only a peaceful East Africa will carry and support the decisions of a Political Federation. It is for this reason that the East African leaders have recognised the inter-linkages between development and security and acknowledged that there is no sustainable development without stability and security. They have realized that taking a regional approach to peace and security will guarantee sta-

bility and development in the region. The Partner States have therefore entrusted the EAC with a broad political mandate in the area of conflict prevention, management and resolution, as well as peace building. Article 5 (3) of the Treaty mandates the EAC to engage in peace and security issues. It stipulates the promotion of peace, security and stability within, and good neighbourliness among the Partner States as one of the objectives of the Community. Article 123 of the EAC Treaty states that the Community shall pursue its objectives by “peaceful resolution of disputes and conflicts between and within Partner States”. Article 124 acknowledges the close linkage between peace & security and social & economic development, and ultimately with the achievement of the objectives of the Community.<sup>9</sup>

Up to April 2006, the Peace and Security Department was handled by the Office of the Council to the Community. Upon establishment of the Office of Political Federation in April 2006, cooperation in the area of peace and security was domiciled in the new office. In March 2008 a Sectoral Council on Interstate Security was established to provide policy guidance to the sector.

To facilitate the work of the subsectors within the peace & security sector, the 3<sup>rd</sup> Meeting of the Sectoral Council on Interstate Security held in April 2011 established the following specialized thematic groups: Police Chiefs, Intelligence Chiefs, Heads of Prisons and Correctional Services, Heads of Disaster Risk Reduction and Management Agencies, Heads of National Counter Terrorism Agencies, Coordinators of National Focal Points on Small Arms and Light Weapons (SALW).

The primary EAC bodies dealing with political and security co-operation are the Summit of Heads of State and the Council of Ministers.<sup>10</sup> The key policy frameworks guiding decision-making in the areas of peace and security are the EAC Treaty, the Protocol for Peace and Security, and the Strategy for Regional Peace and Security. In line with Article 123 (5), the EAC has put in place an institutional framework through the establishment of various Sectoral Councils and Commit-

tees 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.

The Peace and Security Department coordinates and facilitates the above mentioned Sectoral Councils.

### **3.2.1 Achievements**

#### **3.2.1.1 EAC Peace and Security Strategy**

A structural and long-term response to the East African peace and security challenges was set up in form of a Regional Strategy on Peace and Security that was adopted by the 13<sup>th</sup> Meeting of the Council of Ministers in November 2006. An implementation plan for the Strategy was adopted by the Council in 2010. The strategic plan informed the elaboration of the security sector development priorities for the EAC Development Strategy 2011-2016. Developed now eight years ago, the strategy was updated in February 2014 to ensure its alignment with objectives outlined in the Peace and Security Protocol (approved 2013). The updated strategy includes a new generation of security challenges in East Africa, such as genocide and genocide ideology piracy, maritime security and safety, human trafficking, environmental crime (including wildlife and forest crimes), cyber crime; money laundering and motor vehicle theft. A key milestone to realize the goals of the strategy and to enhance cooperation was achieved with the establishment of the **Sectoral Council on Interstate Security**.

<sup>9</sup> Treaty for the Establishment of the East African Community

<sup>10</sup> The Council comprises Minister responsible for East African Community affairs of each Partner State, such other Minister of the Partner States as each Partner State may determine and the Attorney General of each Partner State.

### 3.2.1.2 EAC Peace and Security Protocol

In 2007, EAC embarked on the drafting of the **EAC Peace and Security Protocol**. After five years of negotiations, it was adopted by the Summit in November 2012 and signed on **16<sup>th</sup> February 2013** at the Meeting of the Joint Sectoral Council of Cooperation in Defense, Inter-State Security and Foreign Policy Coordination. The Protocol is a key milestone in the political integration process because it creates a binding framework for sustained peace, security and stability in the East African region. It spells out 20 objectives for fostering regional peace and security. It stipulates the exchange of criminal intelligence and other security information, strengthening of inter-agency cooperation and coordination among security agencies such as joint cross-border management, installs joint operations and patrols, common communication facilities, border and interstate security etc.<sup>11</sup> The Protocol provides also for an institutional framework – **the Directorate for Peace and Security**, which will spearhead the implementation of the Protocol and all matters related to peace and security in the region. Currently, the Protocol is undergoing ratification in the Partner States. So far only Rwanda and Uganda have ratified the Protocol.

### 3.2.1.3 EAC Protocol on Defense

Equally important was the upgrading of the EAC Memorandum of Understanding on Cooperation in Defense into a Protocol. The Partner States concluded and signed the Protocol in April 2012. The Partner States defense forces have been closely cooperating and training together in counter-terrorism, disaster relief and peace support operations and they have been conducting a number of joint field exercises. The Protocol is in the process of ratification by the Partner States.

### 3.2.1.4. Operationalization of the African Peace and Security Architecture

#### **The African Peace and Security Architecture (APSA)**

is a continental, collective security framework that includes instruments for all conflict types and phases. The main elements are the Peace and Security Council, as the standing decision making organ, the Continental Early Warning System (CEWS), the Panel of the Wise, the African Standby Force (ASF) and the Peace Fund for the financing of peacekeeping missions and other peace and security activities. The aim of APSA is to give the AU, the Regional Economic Communities (RECs) and Regional Mechanisms (RMs) the necessary instruments to fulfill the tasks of prevention, management and resolutions of conflicts in Africa.

In September 2011, the East African Community and the African Union signed an Agreement for the Implementation of the African Peace and Security Architecture at the Regional Level. EAC is carrying out APSA through the AU Capacity Building Project and its successive program, the “APSA Support Program” via its components:

- Establishment and operationalization of RECs liaison offices to AU and AU Liaison Officers to RECs
- Establishment and operationalization of Early Warning System for the anticipation of conflicts
- Establishment and operationalization of Mediation Capacities to carry out preventive diplomacy and conflict resolution
- Other Peace and Security issues (Disarmament Demobilization Reintegration, Security Sector Reform, Post Conflict Reconstruction Development, Counter-terrorism, piracy, SALWs, Drugs and Human Trafficking, Money Laundering, etc.

<sup>11</sup> Provisions of the EAC Peace and Security Protocol

- **Coordination between EACWARN and the Early Warning Systems of other RECs** as, CEWS (AU), COMWARN (COMESA) and CEWARN (IGAD) through quarterly technical meetings and joint activities.

- **Conflict Prevention Management and Resolution Mechanism (CPMR)**

The CPMR Mechanism was considered and adopted by the Joint Sectoral Council on Cooperation in Defence, Interstate Security and Foreign Policy Coordination in January 2012 and approved by the Council in August 2012. The purpose of the CPMR is to provide a framework for prevention, management, peaceful resolutions and transformation of conflicts in the EAC region like preventive diplomacy, conflict management and resolution, peace support, and peace building. The following elements constitute the CPMR Mechanism.

- **EAC Early Warning Mechanism (EACWARN)**

The EAC has developed an Early Warning Mechanism in order to facilitate the anticipation, preparedness and early responses to prevent, contain and manage situations that are likely to affect peace and security in the region. The EACWARN implementation framework comprises a Regional Early Warning Center (REWC-Situation Room) within the Department for Peace and Security at the EAC Secretariat and National Early Warning Centres (NEWC) in all five Partner States. The Mechanism was developed in tandem with the CPRM Mechanism in order to tie the early warning alerts with early response. EACWARN is based on open sourcing (media reports, field reports and structural attribute data), verification, analysis, dissemination and information sharing. The core function of the EACWARN is data collection, conflict monitoring analysis and development and formulation of response or policy options. A Road Map including an implementation plan for the Early Warning Centre and an Indicators Framework for the operationalization of the Early Warning Mechanism was developed. The Roadmap provides for the prioritization and allocation of resources for a

gradual implementation of the EACWARN. It proposes a four years pilot phase (October 2011- October 2015). During the initial period, the EACWARN built the capacity to monitor, analyze and develop tailored and timely responses and policy options to threats to peace and security in the region. The indicators framework was adopted by the Joint Sectoral Council of Cooperation in Defence, Interstate Security and Foreign Policy Coordination in 2012.

- **Panel of Eminent Persons**

The Panel of the Eminent Person (PEP) is another implementation modality under the CPMR Mechanism. The main task of the Panel is to advise the Summit, the Council and the Secretary General on issues related to the promotion and maintenance of peace, security and stability by conducting preventive diplomacy and peaceful resolution of conflicts in the Community. The Panel will consist of one Eminent Person from each Partner State, who is a highly respected personality, of high integrity and who has made significant contribution to peace and security at national, regional, continental or international level. The EAC Partner States adopted the draft modality in February 2012, in Bujumbura, Burundi. Once approved, the Presidents of the Member States will appoint the PEP at the EAC Summit.

The Modality provides for the establishment and functioning of an EAC Panel of Eminent Persons supported by a Mediation Unit at the EAC Secretariat, with the objective of supporting conflict prevention, management and transformation by:

- carrying out preventive diplomacy to defuse tensions;
- ensuring the peaceful resolution of disputes within and between Partner States by means of good offices, mediation, conciliation and facilitation based on dialogue, negotiation and arbitration;
- facilitating peacemaking and peace-building interventions<sup>12</sup>

<sup>12</sup> Section V of the Modality of the Establishment and Functioning of the Panel of Eminent Persons



*EAC Regional Early Warning Centre, Situation room.*

APSA/EAC/CTR/...

- **Peace Facility**

The explicit mandate to establish a Peace Facility is provided for under Section VII of the CPMR Mechanism that derives the mandate from Articles 2(2) and 4(1) of the EAC Peace and Security Protocol. The aim of the peace facility is to support the enhancement of the EAC peace and security resource capacity in order to smoothly implement CPMR and enhance ownership of the program. The overall objective of the Peace Facility will be to support financially the EAC Secretariat in coordinating and supporting its Partner States in implementing joint activities in the areas of peace and security. Currently funds for peace and security operations are scarce within the EAC and this area relies mainly on external funding. The establishment of the Peace Facility seeks to increase the peace and security budget, increase ownership and enhance decision-making capabilities. More important, the Peace Facility will serve as an emergency fund for crises in the East African region.

The Peace Facility was adopted by the Joint Sectoral Council on Cooperation in Defence, Inter State Security and Foreign Policy Coordination in February 2013.

### **3.2.1.5 Establishment of the Directorate for Peace and Security**

The 6<sup>th</sup> Joint Meeting of the Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination, held in February 2013, invoked the mandate given by the Council in September 2009 and requested the Council to fill the position of Director General in order to operationalize the Directorate. Once the EAC Peace & Security Protocol is ratified by the Partner States, the Directorate for Peace and Security can be officially established.

### **3.2.1.6 Control of Small Arms Light Weapons**

Interventions in the area of Small Arms and Light Weapons (SALW) commenced in 2006, with the support of the European Union and the German International Cooperation Agency (GIZ). The EAC Secretariat, along with the Partner

States has been at the forefront in galvanizing support for the UN Program of Action on SALW by ensuring participation by Partner States and also supporting the development of an African common position. The EAC-GIZ Small Arms and Light Weapons (SALW) control project which commenced in August 2006 was the starting point for the implementation of the Peace and Security Sector cooperation in the East African Community.

### **3.2.1.7 Harmonization of Police Standard Operation Procedures**

The 3<sup>rd</sup> Sectoral Council on Inter State Security established an expert group to commence work on the harmonization of Police Standing Operating Procedures as part of the process of standardizing and professionalizing policing practices in the region.

- **Harmonisation of Criminal Investigation – Specialised Policing**

In an effort to fast-track the harmonization process in the policing function, the investigative arm of the police – Criminal Investigation Department (CID) – has undertaken a big stride in study exchange programs for the officers in charge of Anti Narcotics and Anti Human Trafficking Units. So far, a one week joint study exchange program was completed in Nairobi, Kenya in December 2011, Dar-es-Salaam, Tanzania in December 2012, Kampala Uganda in December 2013; and the program will continue until all 5 Partner States have hosted this program by end of 2015. Thereafter, a training of trainers program will be conducted for all CID personnel at Partner State level to develop a harmonised curriculum on this component that is deemed to strengthen the investigative capacities of the Police Officers in Narcotics and Human Trafficking across the EAC Region. Currently, the benchmark exercise is premised on sharing challenges in the two fields of investigations, identifying gaps and constraints and packaging together the identified/suggested solutions for harmonization.



*Small Arms Light Weapons (SALW) destruction at Ukonga Prison Grounds in Dar es Salaam, 16. February 2013.*

#### • **EAC Regional Forensic Referral Center**

The advent of new sophisticated crime typologies has added emphasis on the need for a high tech regional referral facility. Such a facility is not only able to tap into specialized human resource needs within a wide area but also sets standards for regional forensic practices as well as for licensing of forensic specialists and accreditation of the Partner States' Police Forensic Laboratories. It also provides research - based information and continuous training to staff of National Forensic Centers. Considered as a priority, the Council has approved the establishment of a shared Regional Referral Forensic Centre (RRFC) to provide the required capacity. The 4<sup>th</sup> Sectoral Council on Interstate Security directed experts from Partner States to assess their suitability of hosting a RRFC in March 2012. The Assessment Report was considered by the Meeting of Chiefs of Police in August 2012 and upon their recommendation the 5<sup>th</sup> Meeting of the Sectoral Council on Interstate Security awarded the Republic of Uganda the right to host the centre. Physical facilities are already in place and management modalities were developed in December 2012 and submitted to the 3<sup>rd</sup> Meeting of the EAC Chiefs of Police held in Kampala Uganda on 12<sup>th</sup> October 2013 for consideration and adoption. The Chiefs of Police deliberated and adopted the proposed management modalities whose operationalisation is deemed to commence from July 2014.

#### • **Establishment of Regional Centres of Excellence in Police Disciplines**

In 2012, the EAC Police Chiefs directed that an assessment shall be undertaken across the region to identify police institutions that will provide leadership in the following areas of policing disciplines:

- Police Aviation
- Police Marine
- Traffic Management
- Community Policing
- Trainings at different levels

- Counter Terrorism (already assigned to the Republic of Kenya by East African Police Chief Cooperation Organisation-EAPCCO)

A team from the Secretariat and Regional Police Services/ Forces undertook the assessment exercise to identify the suitability of EAC Partner States in hosting the Police Centres of Excellence between 2<sup>nd</sup> and 26<sup>th</sup> June 2013 and compiled a Report that was submitted to the 3<sup>rd</sup> Meeting of the EAC Chiefs of Police for consideration and adoption. The assessment missions report, observed the need for all the proposed Centres of Excellence to develop capacities for a one stop centre that is comprehensive enough to take lead in dealing with emerging security challenges in the region, and embark on development of the regional standard operating procedures for the specified Centres.

The Meeting of the Chiefs of Police deliberated on the assessment report and accorded the Centres as shown herein: General Criminal Intelligence and Investigations; and Police Aviation awarded to the Republic of Kenya. The Disaster Management and Disarmament Risk Reduction Centres were awarded to the Republic of Burundi. Centres for Traffic Management, Gender Based Violence and Child Protection, and Police Institutions of Higher Learning (training for Intermediate and Senior Command Course), Peace Support Operations and Logistics were awarded to the Republic of Rwanda. The Community Policing and Social Media were awarded to the Republic of Uganda; while the United Republic of Tanzania was accorded the Centres of Excellence in Public Order Management; and Maritime Policing and Maritime Security and Safety. These decisions will be forwarded to the 6<sup>th</sup> Sectoral Council on Interstate Security towards mid of 2014 for adoption.

#### **3.2.1.8 Maritime Security (MASE) Project**

In the region of Eastern and Southern Africa - Indian Ocean (ESA-IO), a Regional Maritime Security Strategy and Action plan were agreed upon in 2010. Subsequently, the EU agreed

to support a five year project to implement the medium term components of the Action Plan. The Project Financial Agreement was signed in June 2013 and processes are underway to develop the first operational program estimate A substantial amount of the funding for the project will support establishment of the EAC Regional Forensic Referral Centre to be based in Kampala.

### 3.2.1.9 Anti Money Laundering and Combating Financing of Terrorism

Money laundering and financing of terrorism pose a serious threat to the free movement of persons and capital under the EAC Common Market Protocol. Subsequently, in a move to protect these integration gains, the sector is collaborating with the Eastern and Southern Africa Anti-money Laundering Group (ESAAMLG) to ensure proximate and speedy implementation of recommendations by the Task Force on Fighting Terrorism.

### 3.2.2 Challenges

#### • Funding

In spite of past, current and emerging peace and security challenges in the region, East Africa is generally perceived as a 'safe haven'. Therefore, it is still the least funded area in the EAC budget while in other Regional Economic Communities (RECs) like SADC and ECOWAS, the sector plays a very prominent role in terms of human resources and finance. Internal EAC budget allocation is minimal. To date, 95% of the financial requirements of the Peace and Security Sector are provided through the European Union and German International Cooperation (GIZ), while the two other Departments, namely International Relations and Political Affairs are core-funded from the Secretariat.

#### • Decision making

The peace and security institutional framework follows the EAC hierarchic framework:

- Summit
- Council of Ministers
- Sectoral Council on Interstate Security

- Sectoral Council on Cooperation in Defense
- Joint Meeting of the Sectoral Councils on Cooperation in Defense, Interstate Security and Foreign Policy Coordination
- Secretary General
- Deputy Secretary General Political Federation
- Director General Peace and Security (still in formative stages)

The decision-making process of the Sectoral Councils is impeded by the complex nature of their composition. The Sectoral Council on Cooperation in Defence, Interstate Security and Foreign Policy Coordination, for example, draws its officials from the Ministries responsible for Defence, Security, Home Affairs, Foreign Affairs, Finance, Justice and EAC Affairs. This further includes expert input at the levels of Chiefs of Military Intelligence, Chiefs of Police as well as Chiefs of Defence Forces. This composition makes it cumbersome to arrive at decisions timely and to relay the same to the other key organs involved in security. This state of affairs slows down not only the decision-making process but is also an impediment in the implementation process. By the time decisions are brought to bear the dynamics of the emergent situation, things would have changed necessitating a relook on the decisions already passed. This leads to a situation where the Community is unable to contain security threats in an efficient and timely manner. To address this loophole, the Council in its meeting of August 2013 considered the establishment of the EAC Peace and Security Council (PSC) similar with the AU PSC. The 28<sup>th</sup> Meeting of the Council held in November 2013 considered the draft modalities, and unanimously agreed in principle on the establishment of the proposed Peace and Security Council and recommended to the 15<sup>th</sup> Summit of Heads of State to establish it (EAC/CM 28/ Decision 32).<sup>13</sup> The Secretariat has been directed to conclude the work on modalities for the operationalization of the Peace and Security Council on emerging peace and security issues. The Council also directed the EAC Secretariat to incorporate US\$ 500,000 from within existing Partner States

<sup>13</sup> Report of the 28<sup>th</sup> Meeting of the Council, November 2013, P 46

commitments to fund the EAC Peace Facility in fiscal year 2014/2015 and review the same on incremental basis annually (EAC/CM 28/Directive 18).<sup>14</sup>

• **Establishment of the Directorate for Peace and Security**

In light of the security challenges afflicting the region, it is important that the Summit evokes the creation of the Directorate for Peace and Security to be able to coordinate security services and fasten the process towards the realization of Political Federation. This is in appreciation of the fact that the attainment of a Political Federation will remain a pipe dream, as far as peace and security remains unconsolidated in the region.

The challenges for the operationalization of the African Peace and Security Architecture, specifically the setting-up of the EAC Early Warning System, consist of the slow pace of implementation due to staff constraints and heavy reliance on unpredictable external funding, coupled with implied contractual rigidities that impact on planning for and execution of activities.

### 3.3 International Relations and Common Foreign Policy

Foreign Policy Coordination has always been one of the key priorities of the Community. Even before the Treaty was signed, on 30<sup>th</sup> November 1999, the Partner States had already concluded a Memorandum of Understanding on Foreign Policy Coordination in January 1999.

The EAC Treaty provides, among others, that ‘the Community and its Partner States shall define and implement common foreign and security policies’.<sup>15</sup> The Partner States have already taken steps towards convergence of foreign and security policies. They have chosen to coordinate rather than integrate their foreign policies.

The objectives of such policies are to build the EAC as a cohesive organization in its relations with the international community and to promote cooperation, including commitment

to dialogue at international fora. In that regard the Partner States have committed to collaborate in diplomatic and consular services, economic and social activities, multilateral diplomacy, liaison, and information exchange in the context of the Community. Development of such policies is a precursor to the establishment of the envisaged Political Federation. A number of strategies and policies are currently being negotiated and others will come on board in an effort to respond to the dynamic nature of the fundamentals for establishing the Political Federation. The Department of International Relations initiates policy and strategy proposals around which the Partner States agree on areas for joint action. It then coordinates program implementation informed by the mutually determined course of action.

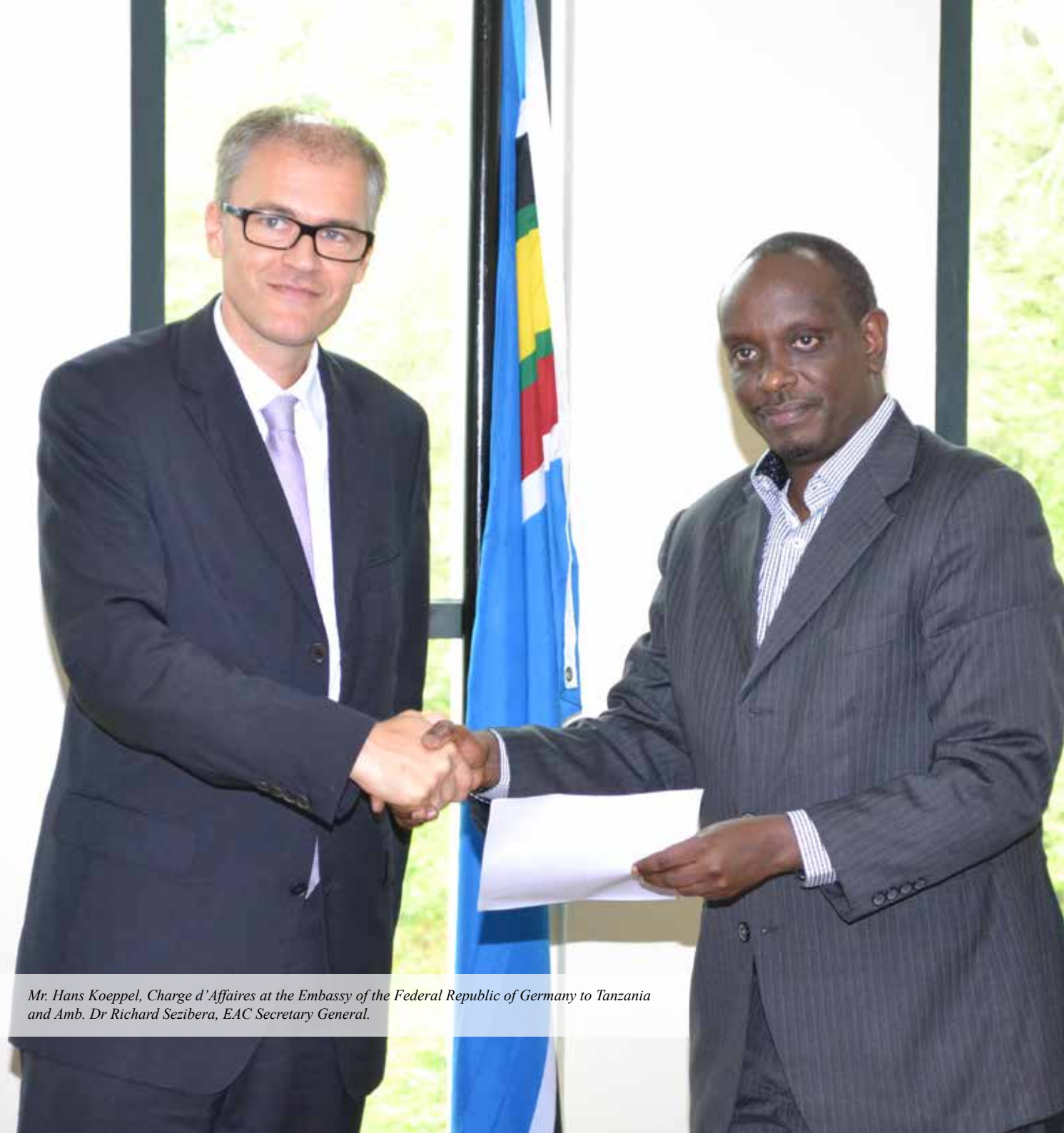
Specifically, programs and activities under International Relations include:

- The development of regional policies and strategies for facilitating Partner States’ collaboration in matters under foreign affairs
- The development of measures for strengthening engagement of the Partner States’ Diplomatic Missions
- The coordination of the implementation of strategies for systematic cooperation between the EAC and other RECs, EU, ACP, the UN
- The development of effective strategies for marketing EAC abroad
- Fostering collaboration with Diplomatic Missions and international agencies accredited to the EAC

A Sectoral Council on Foreign Policy Coordination was established in March 2008. The periodic meetings of the Sectoral Council review implementation of programs and policy decisions and give a way forward. Working Groups are established as and when necessary, whose composition is dependent on the task at hand. At the level of the Secretariat, the Department of International Relations coordinates matters under the scope of foreign affairs.

<sup>14</sup> Report of the 28<sup>th</sup> Meeting of the Council, November 2013, P 46

<sup>15</sup> Article 123 (2) of the EAC Treaty



*Mr. Hans Koeppel, Charge d'Affaires at the Embassy of the Federal Republic of Germany to Tanzania and Amb. Dr Richard Sezibera, EAC Secretary General.*

### 3.3.1 Achievements

#### • Protocol on Foreign Policy Coordination

After almost a decade of implementation, with the continued widening and deepening of the integration, and recognizing the limitations of enforcement of and compliance with the MoU on Foreign Policy Coordination provisions, the Partner States decided to negotiate a more binding framework in form of a protocol. The Protocol on Foreign Policy Coordination was signed in December 2010 but the ratification is yet to be concluded. Nonetheless, even before the ratification process is finalized, the Partner States have decided to move beyond coordination and directed that the elaboration of policies for adoption of common foreign policies be embarked on. The milestones, in form of common positions already taken and pursued in cases like the establishment of an African Union Government<sup>16</sup>, have proven motivation towards implementation of the aforementioned Article 123 of the Treaty.

#### • Fostering cooperation in diplomatic and consular services

The Council decided that Partner States provide visa and consular services on behalf of each other, especially where some Partner States have no diplomatic representation (EAC/CM 15/ Decision 46). With regard to engagement of Partner States' Diplomatic Missions, mutually agreed upon policies and strategies are brought to the attention of the missions, and the latter are in return expected to jointly pursue the implied objectives. In some cases, zonal chapters have been put in place. For example, the Rome Chapter for the EAC Ambassadors accredited to Italy was launched in November 2012. Similar, Partner States' Diplomatic Missions in France, Germany, Sweden (among others) have jointly organized investment promotion conferences and roundtables in order to highlight investment opportunities in the East African region. Such joint initiatives are intended to create visibility of the EAC abroad.

#### 3.3.1.1 Mobilising and strengthening diplomatic missions to promote EAC Integration

Eventually, the EAC Member States envisage sharing consulate facilities, and rendering consular and visa services on behalf of one another, especially where a given Partner State may not have resident diplomatic representation. The same applies to involving the missions in following up on multilateral negotiations in areas where the Community has adopted common positions.

The coordination of initiatives also involves developing or participating in the development of strategies for structured engagement of multilateral agencies, including Regional Economic Communities and regional organizations with similar or complementary mandates, like the African Union Commission or the United Nations. Given the nature of EAC integration, whose programs are in all sectors (economic, social, cultural, political), there are implied collaborative arrangements with specialized agencies even at other departmental and sectoral levels within the Community. As such, the Department of International Relations fosters close working relations with other departments of the Secretariat as well as other Organs of the Community.<sup>17</sup>

#### • Programs for Partner States Diplomatic staff

The Partner States' Diplomatic Missions, if well empowered with the necessary information, can play an important role in articulating the issues of EAC integration. The Council has already decided that Diplomatic Missions be deeply involved in the negotiation, conclusion and follow-up on programs in respect of the Community. The Council further decided that where common positions have been reached, the Head of Mission from the country chairing the EAC Policy Organs speaks on behalf of his colleagues on matters of the Community, wherever these diplomats are accredited.

<sup>16</sup> Partner States advocated for a gradual move towards an African Union Government by first strengthening Regional Economic Communities and building blocs

<sup>17</sup> Other Organs of the Community include the East African Legislative Assembly, the East African Court of Justice

- **Program on accreditation of foreign Diplomats to the EAC**

With the growing interest in the EAC integration, a number of foreign countries continue to accredit their Heads of Missions already accredited to the United Republic of Tanzania, effectively extending their mandates to cover EAC affairs. The accreditations, which started in May 2010, are for purposes of promoting and consolidating their countries relations with the EAC for mutual benefit and in no way confers additional privileges beyond those provided by the host country. The Secretary General manages the accreditations and only provides updates whenever new accreditations are received or those accredited visit to bid farewell. In order to facilitate the accreditation process, guidelines on accreditations were developed and adopted by EAC in November 2011. As of 30th May 2013, thirty three Diplomatic Missions, including the European Union and the UNHRC have been accredited to the EAC. There will be need for closer engagement of these partners in the integration process for optimal benefit.

- **Promoting support for East Africans to access jobs of influence in the international system**

The Council in 2008 decided that Partner States jointly support East African candidatures seeking to access jobs in the international system and to mitigate undue competition amongst East Africans. To facilitate the process, the Council established a Subcommittee on candidatures and adopted its Rules of procedure. To date, over 20 candidatures considered under this arrangement are holding key positions especially in the AU Commission, the UN and their specialised agencies.

### 3.3.1.2 Multilateral Cooperation

One of the EAC development objectives is to strengthen relations with other regional and international organizations through coordination of inter-regional, continental and other integration initiatives.

The EAC continues to undertake program coordination and implementation in all the integration areas at regional and continental levels. It is also always called upon to share

its experiences at various fora due to the milestones it has registered. In order to keep this momentum, there is need for EAC's sustained engagement with the other RECs and related regional organisations, the AU Commission and its constitutive Organs/Institutions, the EU and the UN, among others.

- **Coordination of Relations with the AU Commission**

In January 2008, the EAC joined other RECs and signed the "Protocol on Relations between the African Union and the Regional Economic Communities". The Protocol aims at facilitating coordination of AU-RECs' programs to facilitate the move towards continental economic integration using the RECs as building blocs, in line with the Abuja Treaty. Implementation of the Protocol implies close collaboration with the AU Commission and other RECs.

- **Coordination Committee of Chiefs of RECs, AU Commission, African Development Bank (AfDB) and United Nations Economic Commission for Africa (UNECA)**

The Coordination Committee of Chiefs of RECs, AfDB and UNECA was established as part of the provisions of the Protocol on Relations between AU and RECs. The role of the Committee is to enable RECs to coordinate their initiatives for the attainment of a Continental Free Trade Area and subsequent integration stages as will be determined. The Coordination Committee meets annually to deliberate on matters of regional and continental integration as well as related global affairs.

- **Collective EAC Policy positions with respect to AU initiatives**

In pursuit of EAC objectives, the Partner States' Ministers responsible for Foreign Affairs continue to meet and adopt common positions on a number of issues. At times such issues feed directly into the agenda of AU policy sessions. As constitutive members of the AU Executive Council, the deliberations by the Partner States' Ministers responsible for Foreign Affairs take into consideration the EAC integration objectives.

- **Coordination of Partnerships - between EAC/AU and other Regional Organisations and individual countries**

The AU Commission was mandated by the AU Assembly to coordinate management of Partnerships with other regional organisations and countries. Such partnerships include the Africa-EU through the Political Dialogue (Lisbon Treaty), Africa-China (FOCAC), Africa – South America, Africa-Turkey, Africa – India, etc. The purpose is to ensure that the partnerships are linked and/or aligned to the strategic plan of the AU and facilitate continental integration.

- **Coordination of Relations with the United Nations**

The EAC is accredited to the UN and is therefore expected to closely follow through on the latter's key policy sessions. As part of its participation at the annual UN General Assembly, the EAC has since October 2010 briefed UN members on the key aspects of its integration. This initiative has become an annual undertaking during the UN General Assembly session and the UN Office of the Special Advisor on Africa (OSAA) in consultation with AU Liaison Office in New York. Before the session, the RECs consult on the thematic areas on which to make presentations. Furthermore, the RECs are part of the implementers of the UN-AU multi-year program for supporting African development. The program recognizes the multiplicity of programs and the need to avoid duplication of initiatives through joint programming, coordination and implementation. An umbrella framework known as the Regional Coordination Mechanism (RCM) of UN-AU-RECs-AfDB and other development partners coordinates this endeavour.

At the regional level, subregional RCMs (SRCMs) have been established, on the basis of the AU/UN regional configuration of 5 Africa regions, namely Eastern, Western, Southern, Central and Northern Africa. The SRCMs were launched in November 2011 to primarily focus on coordination, harmonization and promoting joint implementation of activities in priority areas being implemented by RECs and supported by the UN agencies and other

development partners in the sub-regions.

The program delivery under the multi-year program is clustered under nine sectoral areas: Agriculture, Food Security and Rural Development, Industry, Trade and Market Access, Peace and Security, Advocacy and Communication, Infrastructure, Science and Technology, Environment, Population and Urbanisation, Governance, and Social and Human Development. The UNECA sub-regional offices (UNECA-SROs) are expected to coordinate elaboration of the Business Plan for the SRCM (2012–2015) in collaboration with the RECs and other stakeholders. The EAC has designated cluster focal persons to closely follow-through on cluster programs.

- **Coordination of Relations with other Regional/International Organisations**

There are other collaborating Regional/International Integration Organisations (RIOs), such as the Indian Ocean Commission (IOC), International Conference on Great Lakes Region (ICGLR), African, Caribbean and Pacific (ACP). With regard to the ACP, the EAC participated in the development of a matrix on integration indicators for the ACP. This was to follow-through on the AU Summit decision to promote programs for Africa-Caribbean and Pacific (ACP) integration and development.

Ultimately, whether it is the reports on the Coordination Committee of Chiefs of RECs or on the strategic partnerships, all are presented to the Executive Council of the African Union for decision making, and where necessary through the Executive Council to the AU Assembly. The Ministers of Foreign Affairs of the Partner States are members of the AU Executive Council.

### 3.3.2 Challenges

Delivery on the above initiatives is dependent on a number of factors. One is the available capacities (both human and financial). The constraints limit the extent to which the integration ambitions under foreign affairs could be realized. Secondly, delivery is very much dependent on the support at the level of Partner States and their Diplomatic Missions, especially the former's role in enacting policies. Since the Community is not yet a Political Federation, the Partner States have their own foreign policy pursuits. Notwithstanding the commonalities, the challenges of jointly implementing sovereign foreign policies in the context of the Community should not be underestimated.

Ultimately, how the EAC positions itself structurally and strategically, both at the intra and inter-regional, continental and international levels, determines the extent to which such collaboration yields the intended benefit. To that end, there is need to:

- strengthen the staffing levels of the Department to enable it to conduct research and to initiate policy proposals and to follow-up the agreed measures.
- strengthen the monitoring and evaluation of policy implementation and compliance with agreed policies.
- support effective participation of Partner States' in the integration processes. Apparently some Partner States think that deeper diplomatic engagement of their Diplomatic missions by the Secretariat need not be that extensive. This thinking may not facilitate deeper engagement of the Missions in the context of the Community, in spite of the desire for economic diplomacy as advocated by all the Partner States
- address the sovereignty concerns so that they don't slow down the integration process. At the current stages of EAC integration, in general and political integration in particular, state sovereignty considerations have a big impact on the pace and extent to which the common foreign policies will be effectively pursued.



4.

Continuing the Journey Towards  
Political Federation in East Africa

## 4. Continuing the Journey Towards Political Federation in East Africa

The current EAC has generated widespread excitement around the world.<sup>18</sup> The positive developments taking place within the region are indicative of the path EAC is pursuing. However the earlier effort at regional integration suggests that the road ahead will be anything but straightforward.

The process of establishing a Political Federation is ongoing and as the 2011/12 Institutional Review reveals, all Partner States are supportive of the acceleration of the integration stages that will ultimately lead to Political Federation.<sup>19</sup> The consultations of fast-tracking the process towards Political Federation also underscore the serious determination of the East African Partner States to construct a powerful and sustainable political bloc. Having embarked on a fast race towards political integration the EAC has developed several strategic protocols that contain binding legal instruments that will pave the way for a Political Federation, e.g. in the areas of defense, peace & security and foreign policy coordination. The challenge at present and for the near future will be to ratify all developed protocols and strategies and to start their implementation at national level.

The 4<sup>th</sup> EAC Development Strategy 2011/12 – 2015/16 outlines very clearly the visions and strategies of the five EAC Partner States towards Political Federation very clearly. The strategy provides for five priority areas for laying the foundation of Political Federation.<sup>20</sup> It will focus on those projects and programs that are feasible in the next five years and that have tangible and immediate impact for the people of East Africa. The regional priorities in the area of Political Federation include the following areas:<sup>21</sup>

### 4.1 Priority areas on the way towards the establishment of the Political Federation

#### Priority Area 1 ■ Establishment of Policy Frameworks and Institutional Structures for Establishment of the EAC Political Federation

##### Strategic Interventions

- Institutionalisation and capacity enhancement programmes in governance, rule of law and human rights in the EAC integration
- Development of policy frameworks and institutional structures for establishment of the EAC Political Federation
- Consensus on the model structure of Political Federation
- Development and implementation of the East African identity, cohesion, and solidarity
- Development of joint regional policies and frameworks of promotion of good governance, anti-corruption, ethics and integrity and human rights and rule of law
- Implementing and adopting regional policies on anti-corruption, ethics and integrity
- Harmonisation of democratisation policies, processes and practices
- Implementation of the recommendations of the study on fears, concerns and challenges on the EAC Political Federation
- Development of the federal constitution/treaty
- Monitoring and observation of elections and support missions to National Electoral Commissions in the EAC Partner States

<sup>18</sup> Ethan B. Kapstein, *The East African Community, Why this time is different*, 2010, P 8

<sup>19</sup> Institutional Review of EAC, *Organs and Institutions*, 2011, P 8

<sup>20</sup> 4<sup>th</sup> EAC Development Strategy, P 59ff

<sup>21</sup> 4<sup>th</sup> Development Strategy, P 59ff

## Priority Area 2 ▀ Strengthening of Regional and International Relations

### Strategic Interventions

- Strengthening of policy formulation capability to enable the EAC to become a cohesive force in the management of international relations
- Establishment of a sustainable mechanism for joint mobilisation of support for the EAC candidatures for international jobs
- Development and implementation of a regional mechanism for the Partner States' provision of visa and consular services on behalf of each other
- Deepening of involvement of Partner States Diplomatic Missions in the pursuit of the EAC integration initiatives
- Articulation of EAC integration initiatives at regional and international for a to mobilize greater support for EAC integration objectives
- Development, adoption and implementation of an EAC Common Foreign Policy

## Priority Area 3 ▀ Promotion of Regional Peace and Security

### Strategic Interventions

- Establishment of an enabling legal and institutional framework to enhance coordination and implementation of institutions peace and security interventions
- Development and implementation of a Conflict Prevention, Management and Resolution (CPMR) Framework
- Coordination and strengthening of disaster management centres
- Implementation of SALW control programmes
- Strengthening of joint measures to combat terrorism
- Development of framework for intelligence sharing on crime management
- Development of a framework for cooperation and harmonisation of policing practices in the EAC
- Harmonisation of IDP and Refugee Management Practices across the region
- Development and implementation of a multi regional maritime safety and security initiative
- Development of a framework for cooperation in the prisons and correctional services sector
- Implementation of joint measures to combat cattle rustling priority

## Priority Area 4 ▀ Developing Research Capacities on Governance, International Relations and Peace & Security

### Strategic Interventions

- Development of NCPR as a Centre of Excellence for building capacities in promoting regional peace and security, good governance and foreign policy coordination
- Policy and empirical research on topical areas
- Strengthening of networks and collaboration with similar sub-regional and regional organizations
- Enhancement of students' interest in the EAC regional integration process
- Development and strengthening of internal capacities of the NCPR

## Priority Area 5 ▀ Strengthening Defence co-operation to Promote Regional Peace and Security

### Strategic Interventions

- Finalization of Protocol on Defence Cooperation
- Enhancement of Joint Training
- Implementation of Joint Operations
- Visits and Exchange of Information
- Technical Cooperation

### 4.2. Stakeholder involvement in the process of establishing of the Political Federation

The establishment of the EAC Political Federation depends on many factors. It is envisaged, that in East Africa, unlike in other models, the Partner States would become Constituent States within the Federation but remain autonomous in all non federal matters.

The proposed model structure of the EAC Political Federation therefore requires in-depth consultations with a wide spectrum of national stakeholders from diverse perspectives and through diverse mediums. The consultations will serve as fora for sensitisation and mobilisation of the stakeholders, raise awareness, promote informed participation, and generate their input in the integration process.

The involvement of EALA, being the political arm of the EAC integration, as well as national parliaments, being legislatures at the national level, in the negotiation and later the implementation process of the Political Federation is crucial. Article 123 (4f) of the Treaty provides explicitly for the promotion of co-operation among the National Assemblies of the Partner States and with EALA.

Once the Federal Treaty or the Federal Constitution is adopted by the Partner States, it will have to be enacted into national laws.

The sustainability of the East African Community and the achievement of Political Federation depend also, to a large extent, on the public support. It is important that the Political Federation is backed and driven by East Africans themselves. This could be ensured through the use of a democratic instrument, such as referendum, to get approval by the citizens

Further it is important to create mechanisms for participation of national political parties in the federal arrangements. In order to stimulate the participation of political parties in the integration process and in developing an East African constitution. The involvement of other stakeholders in the consultation process, especially academic institutions, think tanks, professional associations, civil society organizations, business associations, and media institutions is crucial.



*Presidents Pierre Nkurunziza of Burundi, Uhuru Kenyatta of Kenya, Jakaya Kikwete of Tanzania, Yoweri Museveni of Uganda, and Paul Kagame of Rwanda by signing the Monetary Union Protocol in Kampala, Uganda during the 15<sup>th</sup> Ordinary Summit of EAC Heads of State on 30<sup>th</sup> November 2013.*

### 4.3 Hurdles on the way forward

#### **Loss of sovereignty vis a vis pooling of sovereignty - a deep-seated challenge**

The main challenge towards the establishment of the Political Federation is - as identified in the Report on 'Addressing Fears, Concerns and Challenges of the East African Federation'- the fear of loss of sovereignty for some major political players in East Africa. They fear is that as a Federation, the Nation States would lose decision-making power and their flexibility in exercising power at national level.

Another related problem arising from the sovereignty principle is the question of multiple and overlapping memberships in several arrangements in the region such as SADC, COMESA, IGAD, ECGLC, ICGLR, EPA. Some countries feel that by diversifying their memberships they minimize the risk of being dominated by the stronger members of any of the communities and can, therefore, better preserve the sovereign autonomy. Although the issue of multiple memberships has been recognized to potentially dampen the prospects of Political Federation in East Africa, a lasting solution is yet to be found.

A further hurdle results from the disparities in the national constitutions in regard to the form of Executive, Legislative, and Judiciary. Also independence of the judiciary and practices of democracy, good governance, anti-corruption, human rights, constitutionalism and rule of law vary from State to State.

Another difficulty exists due to fact that political parties still debate within the domestic environment, an approach that best suits the national interest. Greater stress has thus been placed on obtaining national consensus and much less on creating alliances between like-minded political parties across EAC Partner States.

The establishment of EAC Political Federation is at its initial stages. Although a number of milestones have been attained so far, the journey remains long. The existing fears of the 'unknown'<sup>22</sup> as well as certain concerns that are specific to each Partner State could hinder the federation process. To defuse these concerns the East African Heads of States have to articulate a clear vision and send a signal of strong political will and commitment in order to mobilise and encourage the East African citizens to embrace the political federation.

Eventually, the successful transformation of the EAC into a political union has to happen in a careful and involving process underpinned by visionary political leadership.

<sup>22</sup> Report of the Team of Experts on Addressing the Fears, Concerns and Challenges of the East African Federation, 2011, P7

# Annexes

## **Annex 1: Provisions of the EAC Protocol on Foreign Policy**

- a) Fostering cooperation in the provision of diplomatic and consular services;
- b) Mobilizing and strengthening Diplomatic missions to promote EAC integration;
- c) Accreditation of foreign diplomats to the EAC (as of 30 June 2012, twenty-seven countries, the EU and UNHCR had accredited their Heads of Mission to the EAC);
- d) Promoting support for East Africans to access jobs of influence in the international system;
- e) Multilateral diplomacy: coordination of intra, inter-regional and continental integration initiatives;
- f) Coordination of partnerships;
- g) Collaboration with the United Nations and its specialized agencies and other regional/international Organizations.

## **Annex 2: Provisions of the EAC Protocol on Peace and Security:**

- a) Conflict prevention, management and resolution;
- b) Prevention of genocide
- c) Combating Terrorism
- d) Combating and suppressing piracy
- e) Peace support operations
- f) Disaster risk reduction, management and crisis response
- g) Management of refugees
- h) Control of proliferation of illicit small arms and light weapons
- i) Combating transnational and cross border crimes; including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft
- j) Addressing and combating cattle rustling, and
- k) Prisons and correctional services including exchange of prisoners, detention, custody and rehabilitation of offenders

## **Annex 3. Goals of the Draft Protocol on Good Governance**

- a) To promote adherence to the universal values and principles of democracy and respect for human rights;
- b) encourage and promote cooperation among Partner States' institutions and agencies of good governance;
- c) Promote and enhance adherence to the principle of the rule of law;
- d) Access to justice;
- e) Promote the holding of regular, transparent, free and fair elections;
- f) Encourage Partner States to develop policies and strategies that promote human security through sustainable development;
- g) Prevent and combat corruption;
- h) Guarantee freedom of media;
- i) Promote equity with emphasis on gender equality, affirmative action, involvement of the youth, persons with disabilities and other marginalized and vulnerable groups in governance and development processes;
- j) Promote peace and stability through prevention, management and resolution of conflicts in the region; and
- k) promote private sector development through appropriate regulatory and governance frameworks, such as the Political Dialogue fora, the Youth Ambassadors, East African Business Council (EABC), East African Civil Society Organization's Forum (EACSOFF).

## Annex 4. Objectives of the EAC Protocol on Foreign Policy Coordination

- a) Promote development and harmonization of policies and strategies to support foreign policy coordination;
- b) Safeguard the common values and interests of the Community;
- c) Develop and promote the consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms within the Community and with foreign countries;
- d) Preserve peace and strengthen security among the Partner States and with foreign countries;
- e) Provide operational mechanisms within which to fully effect the coordination of the foreign policies of the Partner States;
- f) Strengthen cooperation in order to promote and market the Community abroad;
- g) Promote the participation of the peoples of the Partner States in the diaspora in the development of the Community; and
- h) Enhance cooperation in the fight against international crimes

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## Disclaimer

The opinions in the publication do not necessarily reflect the opinion of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the EAC Secretariat.



**East African Community**

## EAC Anthem

**Jumuiya Yetu sote tuilinde  
Tuwajibike tuimarike  
Umoja wetu ni nguzo yetu  
Idumu Jumuiya yetu.**

1. Ee Mungu twakuomba ulinde  
Jumuiya Afrika Mashariki  
Tuwezeshe kuishi kwa amani  
Tutimize na malengo yetu.
2. Uzalendo pia mshikamano  
Viwe msingi wa Umoja wetu  
Natulinde Uhuru na Amani  
Mila zetu na desturi zetu.
3. Viwandani na hata mashambani  
Tufanye kazi sote kwa makini  
Tujitoe kwa hali na mali  
Tujenge Jumuiya bora.





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