

# **EAC INTEGRATION PROCESS AND THE ENABLING PEACE AND SECURITY ARCHITECTURE**

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## **1.0 INTRODUCTION**

The vision of the East Africa Community is **“to have a prosperous, competitive, secure and politically united East Africa”**. This can only be attained within the context of a structured security arrangement that can create the right environment for integration initiatives, capable of protecting the gains attained.

The mission of the EAC, as an economic and political entity, stems from the desire by the governments of the EAC countries to improve the standard of living of the people of East Africa through increased competitiveness, value-added production, trade and investment. The desire by governments is to pool existing and potential resources for sustainable common development needs.

The Treaty for the Establishment of the EAC recognizes Peace and Security as a pre-requisite for the success of the intergration. To this extent Chapter 23 of the Treaty elaborates the measures necessary to facilitate a predictable and enabling security environment. It also recognises the need for synergy between Defence, Foreign Policy, Political Affairs and law enforcement and their mutually reinforcing linkages to all stages of EAC’s integration.

In order to understand EAC's quest for integration, it is important to examine the Community's history, tracing the first integration efforts, the collapse and the revival of the EAC. In 1990, a customs collection centre for Uganda was established in Mombasa. Consequently the Currency Board was set up to issue currencies for Kenya and Uganda. This led to the establishment of the Customs Union between Kenya and Uganda in 1917, with Tanganyika joining in 1922.

Later in 1948, a High Commission was established, followed by the Common Services Organisation in 1961. Common Services included among others, the East African Posts and Telecommunications, East African Railways and Harbours, East African Airways, East African Air Aviation Services and East African Development Bank. The Treaty establishing the first Community was signed in 1967 and just 10 years later, the Community collapsed.

### **1.1 The collapse of the Community in 1977**

The collapse of the former EAC in 1977 dealt a major blow to the EA region and was widely regretted, particularly so since the former Community had made great strides and was considered the world's model of successful regional integration and development. At its height, the EAC was, in all but name, a federal government.

Many reasons have been cited for the collapse of the first Community, among them:

- i) structural problems which impinged on the management of the common services;
- ii) low private sector and civil society involvement in the running of the community coupled with low levels of involvement of the people in the decision-making processes;

- iii) inequalities in the sharing of the costs and benefits of integration;
- iv) ideological differences; and
- v) lack of mechanisms to address differences within the arrangements.

Other factors responsible for the collapse of EAC included;

- vi) the governance challenges, including lack of mechanisms to address  
corruption, non respect for rule of law, impunity and governments' high handedness;
- vii) foreign influence for economic reasons.

The collapse brought about mistrust and suspicion amongst the member countries.

## **1.2 REVIVAL OF THE EAST AFRICAN COMMUNITY**

For the purpose of determining and dividing the EAC assets and liabilities, the Mediation Agreement was signed in 1984. The Agreement also included a provision for exploring ways to resume regional cooperation.

At a side meeting during the Common Wealth Heads of State and Government Meeting (CHOGM) held in Harare in 1991, the Heads of State of Kenya, Uganda and Tanzania agreed to revive cooperation in the region. This led to the signing of the 1993 Agreement for the establishment of the Permanent Tripartite Commission for East African Cooperation and in March 1996, the Secretariat of the East

African Cooperation was launched in Arusha. The Treaty establishing the East African Community was signed on 30th November 1999 and entered into force on 7th July 2000.

### **1.3 LESSONS LEARNT AND SAFEGUARDS**

To ensure that the revived Community does not face the pitfalls that led to the collapse of its predecessor, a number of measures were built into the Treaty to provide safeguards. These were largely informed by lessons learnt from the weaknesses identified in the previous arrangements. They include:

- i. A gradual approach to regional integration;
- ii. Decentralization of powers from the Summit to the Council of Ministers;
- iii. People-centred and private-sector driven integration;
- iv. Involvement of Civil Society as key stakeholders;
- v. Stringent withdrawal procedures;
- vi. Consensus as a confidence building tool; and
- vii. Variable geometry

### **2.0 STAGES OF EAC's INTEGRATION PROCESS**

Article 5 (2) of the Treaty Establishing the East African Community stipulates that: "Partner States undertake to establish among themselves and in accordance with the provisions of the Treaty, a Customs Union, a Common Market, subsequently a Monetary Union

and ultimately a Political Federation”. All these various stages are mutually reinforcing.

## **2.1 The EAC Customs Union**

Under the provisions of Articles 2 and 5 of the Treaty, Partner States undertook to establish a Customs Union as an entry point of the Community. Its objectives included *inter alia* liberalisation of intra-regional trade in goods on the basis of mutually beneficial trade arrangements among Partner States; Promotion of efficiency in production within the community; enhancement of domestic, cross border and foreign investment; Promotion of economic development and diversification in industrialisation.

The main tenets of the Customs Union include a Common External Tariff (CET); a Customs law of the Community; removal of non- tariff barriers to trade among Partner States; elimination of Customs duties and other charges of equivalent effect on goods originating and traded among Partner States. The EAC Customs Union Protocol was concluded in 2004, with the consequent launching of the East African Customs Union effective from 1st January 2005, putting the EAC ahead of many other similar economic blocks in Africa. To date, EAC continues to consolidate the implementation of the Customs Union.

## **2.2 The EAC Common Market**

Creation of the EAC Common Market is envisaged to deepen the integration, accelerate economic growth and promote development. It is aimed at strengthening, coordinating and regulating the economic and trade relations among partner states in order to promote their

accelerated harmonious and balanced development. It is hoped that the Common Market will sustain expansion and integration of economic activities, whose benefit shall be equitably distributed.

In accordance with the provisions of Articles 76 and 104 of the Treaty, the Protocol on EAC Common Market shall provide for: Free movement of goods; Free movement of persons; Free movement of labour; Right of establishment; Right of residence; Free movement of services; and Free movement of capital. It is hoped that the Common Market Protocol is will be signed in November 2009.

### **2.3 EAC Monetary Union**

The third stage is the Monetary Union. This occurs when two or more states agree on a single currency for their daily transactions within the Common Market. Substantial ground has already been covered in harmonising monetary and fiscal policies within EAC. Meetings of Governors of Central Banks are already taking place. Other activities include holding of pre-budget meetings, reading of the EAC budgets on the same day and harmonisation of capital market development. Studies establishment of the EAC Monetary Union are ongoing and preliminary reports are already in place. It is envisaged that the Monetary Union will be in place by 2012.

### **2.4 The EAC Political Federation**

The ultimate stage is the Political Federation, which occurs when two or more states come together to form a Super State under a single Political Authority. This involves ceeding sovereignty and some powers by the federating States to the Super State. The Treaty is not explicit

on the time frame on this, but Article 123 (6) provides that “the Summit shall initiate the process towards establishment of the Political Federation of the Partner States by directing the Council of Ministers to undertake the process”.

Following a report of a Committee set up in 2004 to explore modalities of fast-tracking the EAC Political Federation, Summit directed that National Consultations be held in all the Partner States. The results indicated an overwhelming support for the EAC to federate.

### **3.0 COOPERATION IN POLITICAL MATTERS**

Chapter 23 of the Treaty for the Establishment of the EAC elaborates measures that Partner States are obliged to undertake in the areas of Defence, Foreign Policy Coordination, Political Affairs and Inter State Security to create the right environment for stability and development. The Chapter equally recognizes the need for cross sectoral coordination among the identified sectors.

For purposes of guiding Partner States, Article 6 of the Treaty provides for the Fundamental Principles to guide the integration. Article 6(d) clearly elaborates on the principle of good governance including *adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights.*

### **3.1 LAYING THE FOUNDATION FOR A POLITICAL FEDERATION**

The rationale for a federation is based on many grounds, among them:

- a) The need for a central authority for efficient and effective coordination and implementation of directives and decisions of the policy organs and avoid duplication.
- b) The need to enhance consolidation of achievements and benefits of integration processes.
- c) The need for a mechanism for channeling the benefits of economic integration more equitably among the Partner States.
- d) The need to harness the diversity of East Africans for a common goal;
- e) The need to enhance legitimate participation of Partner States in conflict management in the region (the potential to minimize the occurrence of violent conflicts).

Therefore, as the integration widens and deepens, the inherent peace and security challenges call for structured and institutionalised cooperation arrangements that are embedded in responsive legal and institutional frameworks. In that regard, the sectors responsible for Inter State Security, Foreign Policy Coordination and Political Affairs must develop appropriate instruments that will enhance collective action for sustainable development.

### **3.2 EAC PEACE AND SECURITY CHALLENGES**

Over the last two decades, the regional security dynamics have revealed that although inter-state conflicts do exist, intra-state

conflicts are the most serious challenge, with governance being the the most prominent sources of grievances. Unemployment and under development have also created fertile grounds for recourse to crime and other ills. Degradation of the environment, climatic change and competition for the meager natural resources are other emerging sources of concern for human security.

There are also new generation threats to Peace and Security that continue to emerge, including maritime piracy, terrorism, cybercrime and identity theft, counterfeiting, money laundering and human trafficking.

To confront these challenges a number of intervention modalities have been developed, others are at different levels of conclusion while some are at varying levels of implementation. These efforts are all being upscaled to match the pace of integration. In so doing complementarity and partnership with other security providers and stakeholders is vital.

### **3.3 ON-GOING INITIATIVES**

Experience has shown that success in widening and deepening economic integration can only prosper in an environment that is **peaceful, stable** and **secure**. Peace, Security and Good Governance are prerequisites for balanced economic development and advancement as they could affect the direction and pace of economic and political reforms.

In line with Article 123 (5), the EAC has put in place an institutional framework through the establishment of various Sectoral Councils and Committees to give direction and policy guidance for cooperation

in areas of Defence, Inter State Security as well as Foreign Policy Coordination so as to enhance peace, security and governance initiatives. These include :

- (a) Sectoral Council on Cooperation in Defence;
- (b) Sectoral Council on Inter State Security;
- (c) Sectoral Council on Foreign Policy Coordination;
- (d) Joint Sectoral Councils on Defence, Inter State Security and Foreign Policy Coordination.

The above Sectoral Councils allow for continuous and regular meetings at the strategic and policy making levels. This includes provision of expert input at the levels of Chiefs of Military Intelligence, Chiefs of Police as well as Chiefs of Defence Forces.

The ongoing initiatives to implement the various Treaty provisions relating to Peace, include:

### **3.3.1 POLITICAL AFFAIRS**

#### **a) Sensitisation programmes**

The EAC continues to hold sensitisation programmes involving a wide range of stakeholders on the integration processes in general and on Political Federation in particular. To this end, seminars and workshops have been held for Civil Society Organisations, the Academia, Institutions of Higher learning, Political Parties and Local Governments. National Consultations targeting all segments of society have been held to gauge the opinion of the populations of the EAC Partner States on the envisaged Political Federation.

### **b) Draft Framework on Good Governance**

A draft Framework on Good Governance is being developed within the context of the fundamental principles for the achievement of the Community objectives. It envisages harmonisation and approximation of policies, strategies, programmes and practices for the EAC integration. It has four main pillars: Constitutionalism, Rule of law and access to justice; Protection of human rights and equal opportunities; Democracy and harmonisation processes; Preventing corruption and upholding ethics and integrity in the region. The process of developing this Framework has involved meetings that brought together various Partner States' stakeholders, including Chief Justices, Electoral Commissions, Human Rights bodies, Anti Corruption Agencies, Law enforcement Agencies, Members of Parliament and Civil Society Organizations.

### **c) Draft Protocol on Prevention and Combating Corruption**

The development of this Protocol is based on the principles of transparency, accountability and proper management of the public resources. Since corruption knows no borders, concerted efforts among partner states to control this vice through exchange of information and joint investigations cannot be over emphasised. The draft Protocol provides for developing joint policies and strategies to prevent and combat corruption in the region and promote transparency, ethics and integrity.

### **3.3.2 FOREIGN POLICY COORDINATION**

Article 123 of the Treaty calls on Partner States to establish and implement common foreign and security policies. However, at this

stage in the EAC integration process, Partner States observed that time was not ripe yet to have a Common Foreign Policy for the Community, given the sovereign concerns. A decision was taken that in the interim, as the Community progresses towards the eventual Political Federation, what was most needed was to harmonise coordination of Partner States' foreign policy pursuits within the context of the Community objectives. In that regard, the existing Memorandum of Understanding on Foreign Policy Coordination signed in January 1999 has been upgraded into a Protocol.

Among others, the Protocol addresses issues related to coordination of collaboration in Diplomatic and Consular activities, including provision of visa and consular services by Partner States on behalf of one another where a Partner States is not represented. It also provides modalities for collaboration in Multilateral Diplomacy and in Economic and Social activities. Furthermore, it provides for deeper engagement of the Partner States' Diplomatic Missions in pursuit of the Community objectives.

### **3.3.3 PEACE AND SECURITY**

#### **a) EAC Regional Peace and Security Strategy**

The Regional Strategy on peace and security adopted in 2006 lists 15 goals for fostering regional peace and security. It also identifies the strategies for the fulfilment of each of these goals. The goals are:

- 1) Enhance the exchange of criminal intelligence and other security information between Partner States;
- 2) Enhance joint operations and patrols;

- 3) Install common communication facilities for border and interstate security;
- 4) Adopt the U.N model law on mutual assistance on criminal matters;
- 5) Implement the Protocol on combating illicit drug trafficking;
- 6) Exchange visits by security authorities;
- 7) Exchange training programs for security personnel;
- 8) Establish common mechanisms for the management of refugees;
- 9) Establish regional disaster management mechanisms;
- 10) Formulate security measures to combat terrorism;
- 11) Establish measures to combat cattle rustling;
- 12) Establish measures to combat proliferation of illicit small arms and light weapons;
- 13) Develop mechanisms to combat security challenges on Lake Victoria;
- 14) Develop a mechanism for conflict management and resolution;
- 15) Develop a conflict early warning mechanism.

An implementation plan of the Peace and Security Strategy has been developed and adopted.

**b) Draft EAC Protocol for Peace and Security**

To operationalise the Strategy for Regional Peace and Security, EAC has developed a Protocol on Peace and Security, particularly to provide a legal framework and to ordinate cooperation. Activities being undertaken include:

### **i) Small Arms and Light Weapons (SALW)**

All EAC Partner States are signatories to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes , Horn of Africa and Bordering States. The Protocol criminalises illicit trafficking, manufacturing , possession and misuse of small arms and light weapons and or falsifying, illicitly obliterating, removing or altering the markings on SALW. It also incorporates areas related to SALW import, export and transfers. Over the last three years 117,934 assorted Small Arms and Light Weapons have been destroyed by the five Partner states along with 280 tonnes of ammunitions and other ordinances. The respective National Action Plans elaborate measures which each Partner States is taking to address SALW in all its aspects.

At regional level a Draft Policy on SALW Management has been developed to define and promote regional convergence in various aspects of SALW control. Tangible progress has been made through implementation of a SALW Project at the Secretariat supported by both the EU and GTZ. The areas covered include support by the EAC Secretariat to Partner states in the establishment of electronic firearms databases, support to legislation harmonization processes, support to Marking of SALW in conformity with the Nairobi Protocol through procurement of Arms Marking Equipment and training on their use. Procurement of vehicles and office equipment to enhance the capacity of the National Focal Points in order to effectively fulfil their mandate is in progress.

### **ii) Protocol on Illicit Drug Trafficking**

A Protocol on Anti Narcotics was concluded in 2001. Implementation of its action plan has since been in progress and heads of anti

narcotics units have continued to meet regularly to evaluate progress in its implementation. This Protocol criminalises illicit drug trafficking, subscribes to international conventions on Narcotics, provides for domestic legislation, mutual legal assistance, law enforcement, drug demand reduction and institutional arrangements in areas of implementation and execution. Its objectives include inter alia reduction and eventual elimination of illicit drug trafficking, money laundering; elimination of illicit drugs production; and protection of the EAC region from being used as a conduit for drugs destined for international markets.

### **iii) Draft Conflict Prevention Management and Resolution (CPMR) Framework**

As building blocs for the African Union, all Regional Economic Communities (RECs) are obliged to support the Continental Peace and Security Architecture by establishing Conflict Prevention, Management and Resolution (CPMR) mechanisms. The EAC CPMR will encompass Early Warning; Modalities for Mediation and Conciliation; Conflict Resolution; Peace Support Operations and Humanitarian Assistance; Post Conflict Reconstruction and Development and an EAC Peace Fund. Efforts aimed at Conflict Prevention, Management and Resolution require a framework providing an effective surveillance mechanism to monitor potential areas of conflict, mandates and guidelines for engagement and procedures for implementation. This cuts across regional, national and local levels. A zero draft on CPMR has been developed and will soon be tabled before Partner States experts for further input. Under CPMR, EAC intends to develop structured capacity for EAC diplomatic intervention in the regional

conflicts through establishment of Good Offices and Mediation Capacities.

Mechanisms will be developed to support each of the aspects of the framework.

On Conflict Prevention, a **Draft Early Warning Mechanism** has been adopted by the Council of Ministers. It is aimed at facilitating EAC Partner States in anticipation, preparation and early response to prevent, contain and manage situations that are likely to undermine the Peace and Security in the region.

### **c) MOU on Cooperation in Defence Matters**

The MOU provides an elaborate programme of activities largely aimed at confidence building among the EAC defence forces. It mainly focuses on four areas of cooperation namely; Joint military training, Joint Operations, Technical Assistance, Visits and exchange programmes to engender the spirit of comradeship among the EAC armed forces. The defence cooperation has operationalised military training exchange programmes in the EAC centers of excellence for Staff Officers and Cadets at Command and Staff Colleges; undertaken command post and field training exercises, organized regular annual sports and cultural activities, among others. The current military activities have gone beyond what was provided for in the MOU, justifying the need for upgrading the MOU into a Protocol.

In view of the rate at which the defence cooperation is moving, and realising EAC as a large regional economic bloc comprising 5 countries, and bearing in mind her great strategic and geopolitical significance, it is in order that this conference also discusses possible modalities of establishing mechanisms for a collective security

arrangement, which may include prospects for an **East African Community Standby Brigade**, to support regional security initiatives.

#### **OTHER INITIATIVES:**

##### **3.3.3.3 Establishment of Nyerere Centre for Peace Research (NCPR)**

A Centre for Peace Research named after the Late Mwalimu Julius Nyerere has been in operation over the last two years. Its overall objective is to provide EAC with relevant and timely research, training and information on areas of Peace and Security, Foreign Policy and Political affairs. The outputs from the Centre are intended to facilitate informed decision making on matters pertaining to regional Peace and Security. The NCPR engages both the academia and the Civil and Public bodies involved in Research, Peace and Security dimensions to develop and provide a centre of excellence for capacity building in Peace and Security research.

##### **3.3.3.4 Colloboration at Continental and Global Level on Peace and Security**

On a wider scope, EAC has enhanced coordination with African Union in the implementation of the African Peace and Security Architecture. Support has been received for the development of frameworks that further support the implementation of regional initiatives which have a bearing on the African Union Peace Architecture.

Coordination with other Regional Economic Communities and Regional Mechanisms involved in areas of Peace and Security to ensure complementarity and value addition is being strengthened. Such Regional Mechanisms include Eastern African Standby Brigade

Cordination Mechanism (EASBRICOM), Regional Centre on Small Arms (RECSA), Eastern African Police Chiefs Cooperation Organisation (EAPCO), International Conference on the Great Lakes Region (ICGLR), INTERPOL Regional Bureau, Southern African Anti Money Laundering Group (ESAAMLG).

On the Global scale, EAC Peace and Security works closely with United Nations various bodies such as United Nations Office on Drugs and Crime (UNODC), INTERPOL and has continued to benefit from partnership with the European Union and GTZ to harness opportunities that further strengthen Peace and Security within the EAC Region for implementation of regional Peace and Security initiatives. Collaboration has also widened to include International Institutions involved in Peace Research.

#### **4.0 CONCLUSION**

All these initiatives and programmes lay a fertile foundation for the EAC's ultimate goal of a Political Federation as provided for under Article 5(2) of the Treaty. Federating is not a single event but a process; requires addressing imperatives for a firm Peace and Security foundation. Therefore, the realisation of all the measures outlined above are contingent upon maintenance of a synergistic approach to Peace and Security, promoting and consolidating the triangulation among the various contributing sectors. Peace and Security is multidimensional and involves different players. Hence, the need to harmonize national and regional initiatives to avoid duplication and enhance better monitoring and evaluation, support and commitment. How do we ensure that the gains made in all EAC integration stages are irreversible?