The East African Community:
Questions of Sovereignty, Regionalism, and Identity

Thesis

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By

Hannah Marie Vidmar

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Thesis Committee:

Franco Barchiesi, Advisor
Sarah Van Beurden
Monika Brodnicka
Abstract

East Africa has a long history of regional cooperation and after independence, in 1967, Kenya, Tanzania and Uganda came together to create the East African Community (EAC). In 1977, the EAC disbanded and, under entirely different circumstances, reconstituted in 1999. The core aim of this research is to analyze the processes and rationale underpinning the constitution of the EAC and its re-establishment in the new millennium. It will discuss how the second EAC of the late 1990s questions ideas of sovereignty in East African nation-states, the role that regionalism plays in shaping supra-national notions of governance and how member governments regard a regional governance as more conducive to economic development and political authority. It will finally, raise questions which are mostly left for further research, on how the EAC shapes the formation of a regional identity. The conclusions drawn from this research illuminate how the EAC displays both the uses and limits of idealism in the development of a regional organization as well as demonstrate the factors that hinder the practicality of an East African federation.
Vita

June 2009 .............................................. West Geauga High School

2013 ................................................. B.A. African American & African Studies and International Studies, The Ohio State University

2013 to present ................................. Graduate Teaching Associate, Department of African American & African Studies, The Ohio State University

Fields of Study

Major Field: African American and African Studies
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CHAPTER 1:

Introduction

A history of cooperation has existed between Kenya, Tanzania and Uganda for decades, dating back to the early twentieth century. Both prior to colonialism and during the colonial period, East African governments advocated for regional cooperation. In 1917, British colonial administrations of Kenya and Uganda formed a Customs Union, which was later joined by Tanganyika (present day Tanzania) in 1927. In 1961, with political independence from British rule imminent, the Customs Union evolved into the East African Common Services Organisation (EACSO), which eventually became the foundation for the first EAC in 1967. EACSO stemmed from a number of regional projects the British embarked upon in the final days of colonial rule, like the Kenya-Uganda railway, in an attempt for the British Administration to maintain and strengthen their control and ease access to Uganda, a mineral rich landlocked region of East Africa.

The East African Community (EAC) superseded the EACSO in 1967 as East Africa’s first post-independent experiment with regionalism with an aim to strengthen the member-states through a common market, common customs tariffs and public services seeking economic growth for the region. In 1977, the first EAC disbanded and, under the rather different circumstances of economic liberalization and political democratization, reconstituted in 1999. The core aim of this research is to analyze the processes and rationale underpinning the constitution of the EAC and its re-establishment in the new
millennium. In doing so, it will interrogate ideas of sovereignty that were adopted by East African nation-states and inherited from the post-independence era, how East African nation-states embraced regionalism as a supra-national space of political authority, the economic uses of regionalism as a project of governing questions of development, and some possible implication of regional integration for the definition of forms of East African identity, the further elaboration of which I will leave for future research.

The EAC is relevant for two reasons: First, it is the product of a particularly long history of regional integration in which supra-national institutions were regarded as an innovative response to the region’s main challenges; second, that history provides a basis for comparison that focuses on the historical development of African regionalism and not only on its current policy challenges and priorities. Is the organization confronting the same problems of the post-independence context, or are there different reasons for the reestablishment of the EAC? There are also ambitions of turning the EAC into a federal national-state type of space, which would make East Africa the fourth largest country in Africa and the seventeenth in the world, with a population larger than Russia, Japan or Mexico. What are the rationales and imaginaries underpinning a project of this kind, whose feasibility remains problematic, to say the least? Despite these aims and objectives, leaders of East African nation-states remain defiantly attached to ideas of national sovereignty, problematizing the implementation of a supra-national regional organization. Problematizing this transition even more is the results from member states similar colonial history, forcing them to often be in competition with each other for markets and investments. Moreover, the legitimacy and authority of East African nation-
states in terms of maintaining their territories and populations has been questioned by recent political crises, making the adequacy of existing institutions to initiate political unification all the more difficult and problematic. Having a better understanding of the rationale of the re-establishment of the EAC allows us to grasp how shifts in political authority and the overlap of local, national, and supra-national governance have accompanied the transition of African states from decolonization to neoliberalism and how regional integration has been utilized as an added dimension to the operations of power that have historically been continually vested in the existence of the African nation-state.

By looking at questions of regionalism through the lens of sovereignty, I will analyze the rationale for the EAC’s revival in terms not only of the policy challenges that it is focused on, but also of the ideas of authority it envisions and the kind of political community it seeks to establish. Analyzing the concept of regionalism as a problem for sovereignty provides an opportunity to problematize the postcolonial nation-state, as it exists on the African continent. How does an entrenched postcolonial tradition of national sovereignty impact the integration the EAC envisages? In the context of structural adjustment, and neoliberalism, the liberalization of East African markets present challenges that differ from the expectations that accompanied the first EAC amid hopes of decolonization and locally-driven development. The challenges of the first EAC were primarily focused on economic developments and their solutions often underestimated the constraints of colonial legacies on the capacities of African governments. The expectations of the new EAC are now grounded in a more recent turn to market
liberalization, which has created new problems, widening social inequalities while further eroding the authority of African states and making a number of actors, like NGOs, donor agencies, or international policymakers, participate in domestic governance.

At the same time, the second EAC reflects a continental shift towards regionalism and a global trend to regional integration, which raises important questions about the viability of the region as a space of governance and its relations to the model of sovereignty that emerged from the decolonization of East Africa. Understanding that the postcolonial model of sovereignty is characterized by the boundaries inherited through colonialism, the centralization of power, and political authoritarianism, all factors which have highlighted ethnic and spatial inequalities, it is also important to interrogate whom the region will benefit: Is it conceivable for the EAC to work for the people, and not only for the elites and powerful domestic or international interests?

The viability of the EAC as a space of governance is thus deeply connected to questions of legitimacy, the sources of which would probably depend on the EAC’s potential in fostering a regional identity. Changes in the structure of political authority can promote new conceptions of how people govern themselves: how does regional integration affect identity construction in national or local spaces? In African nations, complex patterns of collective identity have often challenged the ambitions and agendas of state governance. Historically, there have been ideas and propositions for pan-African and supra-national identities to respond to the problems and inadequacies of the African nation-state inherited from the colonial past by creating broader forms of belonging. It is
important, then, to consider the effect of introducing a possible regional East African identity to the mix and whether it would resonate with the aspirations of its predecessors.

The African Nation-State and a Continental Shift Towards Regionalism

The African continent has long served as a productive space for the analysis and exploration of issues of sovereignty. Colonial powers introduced an idea of national sovereignty derived from the treaty of Westphalia (1648), which established a correspondence between sovereign power and national boundaries. The Westphalian concept of the nation-state framed African development policies as for establishing political borders. It also became the foundation for national self-determination after colonialism. In order to understand the emergence of regionalism in East Africa, it is important to understand how regionalism functions in relation to that idea of the state, which has acted as the engine for attempts at regional integration. One should also see regionalism as part of the broader problem of how state authority changes in a context of growing global market liberalization and the lowering of economic barriers.

Since the nation-state emerged, it has been evolving and transforming. Hardt and Negri (2001) suggest that the twentieth century is a period of transition for the nation-state, from the vertical sovereignties of the modern and colonial governments, which are results of nation-states’ imperialism, to horizontal, more flexible forms of authority that has manifested itself through supra-national institutions like the IMF, World Bank, global NGOs, and regional organizations, which exercise “governance without government”
(Hardt and Negri, 2001: 14). Saskia Sassen (1996) echoes this idea, suggesting that sovereignty today is in a process of being unbundled from the nation-state and reconfigured through supra-national institutions. This plays out in an especially precarious way in the context of African nation-states because of their colonial history. With the transformation of sovereignty looming, postcolonial African nation-states are still influenced by colonial legacies (Mamdani, 1996) whereby former colonizers, like France and Britain had established a tradition of authoritarian regimes. The response by anticolonial movements to the combination of neocolonial economic dependence and authoritarian politics led in some quarters to demands for alternative polities to transcend the colonially-inherited nation-state. These alternative forms of sovereignty and alternative polities manifested themselves in different ways, most notably in the form of panafricanism, which believes that unity is often vital to economic, political, and social progress. Some aspects of panafrican rhetoric influenced the development of regionalism on the African continent, especially during the first wave of regionalism.

Our understanding of regionalism connects with the policy and project of regions, as spaces where, “states and non-state actors cooperate and coordinate strategy” (Fawcett, 2005: 24) with an aim to pursue and promote common goals (Fawcett, 2005). Scholars differentiate between “soft regionalism”, which is the promotion of regional awareness or sense of community, and “hard regionalism”, or the consolidation of supra-national institutions through formal inter-state arrangements. Both can operate above and below state level, as can be exemplified by local, regional communities connecting across national borders as well as larger regional entities functioning above the state level, like
the EAC or the European Union (Fawcett, 2005). Regional cooperation and integration provide opportunities for previously colonized states that have suffered political and economic exploitation and have been relegated to the status of producers of commodities and raw materials highly dependent on international markets and external relations with donors and major powers (Amuwo, Pul, Adadevoh, 2009). Such states “remain extremely vulnerable to high-wire international politics meant to protect and enhance the geo-strategic, geo-political and national interest of great powers” (Amuwo, Pul, Adadevoh, 2009: 4). Because of this, regional cooperation and integration have become attractive alternatives to African states seeking accelerated political and economic development.

The first wave of modern regionalism in the twentieth century emerged in the 1950s, characterizing the post-World War II era as “an era of regional integration” (Asante, 1997: 2), symbolized by the creation of the European Economic Community (ECC). Employing the term “integration” to tackle problems of economic development drew attention to the significance for development of the interdependence among states. Recent literature with a strong focus on economics has made integration synonymous with “common market”, “rapid economic growth”, and “acceleration of economic development” (Asante, 1997: 2). Post-war progress towards integration in Europe led to the emergence of a number of European regional organizations, which influenced newly independent postcolonial African and Latin American countries. This post-war progress towards integration was focused on economic considerations, so much so that a definition of integration biased toward economics has been criticized on account of the problems it poses for democracy and social equity. In the African case, efforts to bring about greater
economic integration coincided with the move towards independence in the 1950s and 1960s (Kimbugwe, Perdikis, Yeung, and Kerr, 2012). In contrast to newly established African state sovereignty, which tended to replicate the operations of former colonial states, African leaders like Kwame Nkrumah advocated for a politically and economically united Africa, a partial implementation of which was the Organization of African Unity (OAU) in 1963 (Asante, 1997). In the postcolonial African state system, African governments possessed juridical rather than factual statehood, an outcome that was only reinforced by international alignments during the Cold War period (Clapham, 1996). More importantly, the expectations African states vested in the Organization of African Unity ended up perpetuating the status quo of nation-centered, externally dependent political authority (Clapham, 1996). Rather than create a new type of pan-African integration, African states merely reproduced these patterns of political subjectivity. The crisis of supra-national integration in Africa during the late 1970s and early 1980s can be attributed to the fact that the commitment to integration heavily relied on rhetorics and ambitions that clashed with the new reality of Structural Adjustment Programs (SAPs) because SAPs weakened the states institutions that were assumed to be the key actors in the integration process. While agendas of transcontinental integration did lead to treaties and regional institutions, like the United Nations Economic Commission for Africa (ECA), established in 1958, and the Customs and Economic Union of Central Africa in 1964, Goldstein and Quenan (2002) observe that integration initiatives were not tailored to the complex relations between economic and political problems because they focused solely on economic development and left out social and
political integration. The lack of unified political voice at the regional level facilitated the intervention of international financial institutions, which, in the aftermath of the debt crisis, could impose punitive structural adjustment programs on individual African states as a form of economic development.

A second wave of regionalism, or “new regionalism”, emerged by the mid-1980s as a response to economic restructuring, liberalization, and the crisis of the nation state, all of which directly correlated to the political and economic challenges East African states were facing in the context of structural adjustment. Spurred by the establishment of the European Union (EU) in 1993 through the Maastricht Treaty and the North American Free Trade Agreement (NAFTA) in 1994, the second wave of regionalism envisaged a developed world divided into three powerful trading blocs: Europe, the Americas, and East Asia (Asante, 1997). This created a problem for the African continent, which, excluded from those trading blocs, remained in a dependent relationship as provider of raw materials, for which, moreover, the trade protections and preferences offered by the 1975 Lome’s agreements were being slowly dismantled under the pressure of the World Trade Organization (WTO). This system of subordinating Africa through trade liberalization and the formation of geographical trading blocs only perpetuates this idea of a dependent relationship as the framework within which new integration efforts took place, culminating in the signing of the African Economic Community treaty in 1991, with the principal objective of continent-wide economic cooperation (Kimbugwe, Perdikis, Yeung, and Kerr, 2012). The asymmetric power relations in the “new regionalism” seem to validate Farrell’s (2005: 8) point that contemporary regionalism is
“made up of many different regionalisms, reflecting different conditions, values and even ideological positions across the global arena – it is a product of the historical, social, and political conditions, the strengths and weakness of any particular region” (Farrell, 2005: 8). For Farrell, this new contemporary regionalism that has developed from the second wave does not only involve states, but also nongovernmental organizations (NGOs), intergovernmental organizations, and local communities. Two major factors that facilitate the second wave of regionalism are the liberalization of trade, which has allowed for fewer trade restrictions in postcolonial African countries and the global ideological consensus in support of regionalism (Asante, 1997). The case for regionalism in Africa goes beyond the continued commitment to integration on the part of African governments, but is based on the belief that countries working as part of larger entities could provide more efficient markets for economic diversification and industrialization while pooling economic resources into a single economic unit (Kimbugwe, Perdikis, Yeung, and Kerr, 2012). While ideally, this seems plausible, one can observe the persistence of an economic bias that was exactly one of the reasons why former attempts at regionalism failed: it is important to consider not only the developmental role of non-state institutions like NGOs and multinational corporations, but also how regionalism provides an arena for local communities and social movements engaged in social, environmental, and political issues. In fact, many regional integration initiatives, like the EAC, have gained some popular support because of the poor performance of the IMF and World Bank’s structural adjustment programs as solution to Africa’s economic problems (Kimbugwe, Perdikis, Yeung, and Kerr, 2012). IMF and World Bank interventions had
heavily negative social consequences on most, if not all, African states. The IMF’s and World Bank’s faith in export-promotion policies, combined with their obsession with the stability of macroeconomic indicators like inflation and the terms of trade reinforced the dependence of African states while perpetuating their indebtedness (Spratt, 2009). Regional integration, in contrast, is viewed as a way for institutions accountable to the people to devise solutions attuned to local realities. The driving force behind the case for regionalism are the “expected benefits of a more efficient use of capital, labour, and resources” (Kimbugwe, Perdikis, Yeung, and Kerr, 2012) and the development of regional African markets. While these goals parallel some of the goals of the IMF and World Bank, the difference is supposed to lie in the type of leadership and its popular legitimacy. Regionalism is presented as an integration process that is determined by the people whereas decision-making in IMF and World Bank depended on technocrats reflecting the wishes of major contributing countries, primarily the United States and Western Europe. The development of African domestic markets is essential considering that African countries, on average, trade more with each other than statistics suggest, due to a vast sector of informal cross-border trade. Adejeji (2002) sees unrecorded cross-border trade as a major supplier for the urban markets in most African countries. Regional organizations, like the EAC, can valorize this cross-border “from below” trade that is functioning outside of state institutions as an opportunity to enhance and develop intraregional relations. The development of regional markets is, finally, especially enticing for landlocked countries, like Uganda, as any type of regional integration may offer access to the ocean and the international community (Yang and Gupta, 2005).
In spite of these gains and the optimism that seems to exist around the idea of regionalism, regional integration in Africa is still affected by a number of contradictions, including a lack of political will. Goldstein and Ndung’u (2001) claim that the current relationship between African economies and politics does not support regional integration. As they depend on a limited number of export commodities, many neighboring countries politically compete with each other, which has led to political strife. This has led to attempts to secure other resources to increase their competitiveness in commodity export. One example of this in East Africa is the attempts made by Rwanda and Uganda to secure control of mineral resources, more specifically columbite-tantalite, in the southwest region of the neighboring country of the Democratic Republic of the Congo. Moreover, industrialization relies on local corporations that are affiliates of or dependent upon multinational corporations rather than African ones, which intensifies the political competition among countries trying to attract foreign investment outside regional institutions (Kimbugwe, Perdikis, Yeung, and Kerr, 2012). More importantly, as Yang and Gupta (2005) discuss, the current African trade agreements recognize the need to balance bilateral and multilateral trade liberalization with an attention on social welfare policies. It is also imperative that the people are considered when discussing a regional integration capable of advancing regional identity as distinct from local, ethnic, and national identities (Slocum and Van Langenhove, 2005). This means that expectations are placed on the region to deliver social benefits, in the form of regulation, fair trade, and welfare programs, placing more burdens on their state budgets while simultaneously constraining their ability to attract global investment through low-wage work, making
East African nation-states less willing to support political unification. This further develops the question of the political limitations on regionalism. Although the case for regionalism is strong, the danger is that African leaders would enforce it in selective ways, which can deepen existing economic marginalization and social dislocations. The problem can be understood by examining the rationale for the reestablishment of the EAC.

Methodology

In an effort to explain the rationale for the re-establishment of the EAC, I have conducted content analysis of multiple sources. International documents from the EAC outlining different economic and political goals, as well as scholarly articles and texts will be used to analyze the rationale for the EAC. Primary source material was comprised of documentation of the EAC while secondary sources collected for this research were scholarly research and theoretical literature on regionalism as it relates to questions of sovereignty, political authority, and postcolonial politics. Other important information was gathered from East African, European, and American news articles reporting on the EAC’s more recent developments. Documents prepared by the EAC were chosen as a primary source material to the extent they outline and articulate the economic and political goals of the EAC and allowed me to compare the problems of the first EAC to the current one. Books, articles and recent research analyzing theories of sovereignty and regionalism were chosen because of the specific questions addressed in this thesis.
Regarding those topics. News articles are also crucial to project my historical analysis onto the EAC’s current debates and challenges.

When reading through primary sources where questions of sovereignty and identity are not explicitly discussed, code words like civil society, self-government, participation, and accountability were used to detect these themes. The words were chosen as a way to determine what type of regionalism the EAC envisages and represents. More importantly, because of the problems that led to the dissolution of the first EAC, placing a stronger emphasis on economic integration and development while disregarding political unification, these words were used to examine how they are associated in ways that show where the new EAC places their predominant concerns: are they still primarily focusing on the economic or are they considering more social and cultural aspects as well? Do these words actually show a shift in concern or are they just functioning as placeholders?

**Summary of Chapters**

Besides serving as the introduction, this first chapter also provides a foundation for the transition of the nation-state and the emergence of regionalism on the African continent, contextualizing its development and history. Chapter two, “From Sovereignty to Regionalism?” moves the conversation of sovereignty and regionalism from the continent to the East African region in its transition from decolonization to structural adjustment. Chapter three, “Postcolonial East Africa and the EAC, 1967-1977” contextualizes the
history of the emergence and dissolution of the first EAC against the background of the
history of the East African region in the period from independence to 1977. Chapter four,
“The EAC of Today”, serves as the core of this research, applying the theory from
previous chapters to the current situation of the EAC. Moreover, it provides an analysis
of the political structure as well as the organization’s treaties, in an attempt to discover
why East African nation-states have reintroduced regional integration through the re-
establishment of the EAC. The main contentions of this chapter include a discussion on
the disparities between the outlined goals of the EAC on paper and the actual
employment of these goals, raising questions around the participation of East African
citizens, or lack thereof, as well as tensions between the desire to establish a regional
organization and the realities of East African state sovereignties. Finally, chapter five,
“Conclusion”, provides an analysis of my findings as well as an illustration of problems
the EAC faces with regard to the possible emergence of an East African identity, a more
detailed analysis of which is left to further research.
CHAPTER 2:
From Sovereignty to Regionalism?

Sovereignty and East African Nation States

There is no single cause that can be attributed to the problems East African nation-states have faced in their struggle to establish themselves, politically and economically, as independent governing bodies in this post-independence period. Rather, a number of factors, including dysfunctional British colonial legacies, politics of the Cold War era, the influence and role of the international economic system, and the centralization of political power have all contributed to the struggle of establishing African political and economic independence. Moreover, these factors have worked together as an interconnected system where dysfunctional neocolonial British legacies and the repercussions of the Cold War politics informed the transition to and adoption of centralized state power. This only grew worse with the intervention of the international community through the IMF and World Bank, perpetuating the struggle of East African nation-states to establish themselves as legitimate states within the international community. Recovering from failed structural adjustment programs (SAPs) and interventions from the IMF and World Bank, the end of the twentieth century brought about a desire for East African nation-states to determine effective governance as a tool to respond to the economic and political crises left as a
result of international intervention. A turn to regionalism was seen in many African countries as a solution to these problems, in terms of economic and political cooperation, as most notably evident in the EAC. With these considerations in mind, this chapter will address questions related to the fate of sovereignty in the context of East African regionalism. Do inherited patterns of national sovereignty allow for the political union East African nations are trying to establish? In what ways does East Africa as a region question the model of sovereignty that emerged from decolonization? How did international and foreign influences affect this desire for a transition to regionalism?

When discussing this transition to regionalism in the case of the EAC, it is important to first analyze sovereign statehood in an attempt to understand the characteristics of state authority in EAC member states as the key actors in processes of regional integration, which require a redefinition of the state’s sovereign powers. Questioning state sovereignty in the case of East African nation-states does not mean that the territorial borders that define these states are the point of contention, but rather the centralized authority that these states claim. More explicitly, as the EAC promises a new space of democratic governance, it is crucial to understand and question the authoritarian governments that succeeded the colonial regimes, within the specific political and economic international climate that existed in the 1960s.

Colonial governance left African states with territorial borders and notions of sovereign authority that still recalled Westphalian principles. However, twentieth-century political struggles have continually modified such structures and functions within global geopolitics (Brenner, Jessop, James, and MacLeod, 2003). Rapid globalization and the
end of the Cold War challenged the pre-existing system of states as governing units, and supra-state and sub-state actors, like, respectively, the European Union and cooperation between regional and local institutions or between these and investment-providing corporate actors, have become more entwined in international relations. In Africa, such developments have had significant effects on recently decolonized territories. In the case of East Africa, Kenya, Tanzania and Uganda became independent states at the same time that former colonial powers were taking the path of regional cooperation. With some exception, the East African states’ foundation in the Westphalian system was more formal than real. While these states claimed sovereign authority, their capacity to fulfill this authority was limited and constrained by ethnic, religious, or social fragmentation, which is most evident, in the case of East Africa, in Uganda. Colonialism created clear ethnic divisions, providing access to education to the people in the south and forcing northern Uganda’s, most of who were Acholi people, to become laborers. These ethnic divisions did not merely disappear with independence, but rather were deepened, causing severe ethnic tension and conflict in post-independent Uganda. The adoption of authoritarian regimes and one-party governments were a solution proposed to bridge this gap between what these states claimed to govern and what they actually governed.

More recently, the “various ways in which the inherited Westphalian system of state territoriality is being reorganized under contemporary capitalism” (Brenner, Jessop, James, and MacLeod, 2003: 12), has been at the forefront of discussions. This reterritorialization of state power has led to the rise of new political spaces, like the region, allowing sovereignty to “flow” above and below the nation-state (Brenner,
Jessop, James, and MacLeod, 2003). In the case of East African states, which do enjoy relatively strong political institutions compared to many other parts of the continent, similarities in such institutions reveal stark differences in their functionality (Ferguson, 2006). East African states inherited bureaucracies that were primarily centered on capital cities (Nairobi, Dar es Salaam, Kampala), limiting the geographical reach of their power. Moreover, the authoritarian regimes and one-party governments furthered this limitation in the form of creating severe class and geographic inequalities. When the states attempted to initiate policies that focused on rural areas, for example with Kenyan export agriculture and the Tanzanian policy of *ujamaa*, which will be discussed in greater detail in the following chapter, they did not have the necessary infrastructure or resources.

East African states are not only characterized by their political instability, but also their economic instability. While economic dependency created through colonialism is a major contributor to the economic instability of East African states, they are also affected by “a sparse population, small internal market, limited infrastructure, new and fragile borders, and economies vulnerable to fluctuating world prices” (Morgenthau, 1977: 87). As Morgenthau illustrates, economic dependency is a problem of population size – hence the scope of basic needs – poverty, and inequality. In order to diversify and develop their productions, East African countries needed to gain access to larger markets. This has proved difficult because postcolonial patterns of economic growth have been focused on the continuous supply of raw materials and commodities from individual African countries to Western markets, perpetuating the former’s economically dependent position. Because of the cultivation of monocultures left by colonialism and SAPs, many
East African countries export a narrow range of agricultural products. One example of this is coffee as a major export crop across the region. Encouraged under colonial systems of cash crop exploitation, coffee production was then emphasized by SAPs as they pushed African countries to earn hard currencies by focusing on export in the sectors in which they had a “comparative advantage” in global markets. In Kenya, the strategy reinforced inherited forms of plantation-type economies. Incentives were offered to some larger coffee farmers, seen as more efficient exporters, while smallholders who marketed their coffee through cooperatives, benefitted marginally (Thuku, Paul, Almadi, 2013).

Besides deepening economic inequalities within the country, the introduction of SAPs to African economies forced cutbacks in state expenditure, limiting the possibility of policies’ that could address these deepening economic inequalities, for example, by providing state support for the diversification of production. Furthermore, when trading internationally, the three countries are forced to compete with one-another, which could fracture in regional support and cooperation.

Moreover, even if economic growth allowed a strengthening of state authority during the 1960s and 1970s, Cold War politics – which encouraged elite consumption and arms purchases to reinforce links with international patrons – and the failure of nationalist or socialist alternative development programs, like ujamaa, resulted in an economic slowdown (Harrison, 2010). East African countries experienced increasing levels of national debt and decreasing incomes leading to a growth in poverty and deepening economic dependence on Western aid which has had a resounding result on present-day East African nation-states. For example, in 2013 Uganda’s GDP was
US$22.6 billion, but received US$417.1 million in foreign assistance (Central Intelligence Agency, 2015; The World Bank, 2014). These factors had a cumulative effect in terms of undermining the sovereignty of East African states, making regionalism appear as a possible solution. The following section will address regionalism as alternative model of governance in the case of the EAC.

**Alternative Sovereignty in East Africa: Regionalism**

The postcolonial model of the nation-state did not meet the hopes and expectations of East African societies. Based on the previous discussion of the failings of state sovereignty in East Africa, it can be concluded that the major factors that, already from the late 1960s, acted as catalysts to adopt regionalism as an alternative model of governance were economic liberalization, the decline of the nation-state, and the need to deepen cross-border trade.

Economic restructuring is another factor that could be attributed as a catalyst for regional integration. The economic restructuring that occurred in the post-independence period during the 1960s, as a result of the adoption of socialist policies in Tanzania and the adoption of capitalist policies in Kenya, put East African states at different ends of the spectrum, making for a tense conversations around economic policy. Despite these different choices, Tanzania and Kenya did not depart from the colonial economic model of production for exports, which put them in a precariously vulnerable position, which was only reinforced by the fact that postcolonial choices provided no alternative top the
colonial economic model of economic production. This situation only worsened with the implementation of SAPs during the 1980s. The primary objectives of structural adjustment were to stimulate economic growth, control inflation, enforce budgetary discipline, and increase international competitiveness as conditions the IMF and the World Bank posited for the successful repayment of African countries’ escalating debt. These goals were pursued through a number of monetary, trade, and fiscal policies – including cuts in government spending and the public sector, the privatization of state institutions, and currency devaluation – designed to create an incentive for export production while reducing its tax burdens. The shifting in the costs of social services, like education, from the government’s purse to the end user is an excellent example of the austerity measures negotiated by East African states with the World Bank and IMF. Prior to SAPs, Kenya was considered to be an example of a successful education system. However, when SAPs were introduced, they declared public education expenses to be unsustainable for the government and instituted cost-sharing measures (Verma, 2001). In this case, the government continued to pay for salaries and basic facilities, but the students’ families were responsible for the furniture, uniforms, transportation, and supplies, increasing the school fees of the students and making education unaffordable and unattainable for a large share of the population (Verma, 2001). This was not just the case for Kenya, but for the entire East African region.

As the SAPs’ ended up strengthening the structural inequalities that penalized African countries in the global economy, East African leaders could refer to the previous experience of regional integration, in the 1960s, for some inspiration on how to possibly
correct those structural imbalances. Structural adjustment in the 1980s encouraged regionalism, not only because it fit neoliberal rhetorics on moving beyond the state and create more viable markets for goods and investment, but also because early African experiences with regional integration could provide alternatives to the powerlessness of national government confronted with international financial institutions. It could be argued that East African leaders have turned to regional cooperation to strengthen the economies of the region after suffering the harsh consequences of economic restructuring.

Scholars have often found a correspondence between the nation-state’s turn to regionalism and the triumph of neoliberalism. In the case of the European Union, Brigid Gaven (2005) argues that a notion of the nation-state that foregrounds its absolute autonomy is by now outdated as exclusive sovereign rule is replaced by a supra-national “rule of law” shaped by multiple state and non-state actors (Gaven, 2005: 222). In this case, supra-national organizations could lead to multi-level governance, where their leaders, supra-national organizations, and actors like NGOs and local institutions merge states into a multi-level polity. Yet the nation-state serves not only as an autonomous governing body, but is also responsible for the provision of social services, social security, and regulations on labor markets and the environment. This means that supra-national organizations can weaken these functions of the nation-state without providing an obvious alternative (Marks, Hooghe, and Blank, 1996). These debates, which have mostly found application in the case of the EU, are relevant to the EAC, but only to an extent. As this thesis will examine in a future chapter, East African regionalism has not
limited the concentration of power in the hands of few national leaders. In fact, the work of the EAC confirms this centralization at the regional level. This conflicts with both the implementation of a democratic supra-national organization as well as its role to address issues at national and sub-national levels. Globalization theorists would also regard trends to supra-national integration as part of a process in which the nation-state is slowly “becoming less relevant in a world where everyone and everything is interconnected. The connections that matter most are again becoming more personal” (Reich, 2014). These personal connections are for Reich a combination of religious affiliations, socioeconomic class, culture, and language, providing people with a stronger sense of identity than the nation (Reich, 2014). But these shifts in identity have usually worked more to fragment pre-existing, and in Africa highly unstable, national belongings than to create affiliations above and beyond the nation-state. James Ferguson (2006) critiques the idea that globalization necessarily fosters global interconnection. He argues that those who support this sweeping general narrative of globalization only characterize the world in terms of a “traditional before and globalized after” (Ferguson, 2006: 27). The notion of “worldwide interconnectedness” that many globalization theorists (Giddens, 2002; and Held, McGrew, Goldblatt and Perraton, 1999) support is an idealization of the integration among advanced capitalist societies, which, Ferguson argues, tends to represent Africa as “left behind”. He contends, instead, that in Africa capitalist globalization has reinforced the continent’s peculiarities and complexities, evident in the coexistence, often side by side, of territories that are able to plug global flows of investment and information and areas that remain marginalized and disconnected.
Intraregional trade is another factor that may contribute to regional integration as a possible strategy for “mitigating Africa’s vulnerability, its dependence and weak bargaining power in the global economy whose foundations are rooted in colonialism” (Amuwo, Pul, and Adadevoh, 2009), but can also exacerbate spatial and socioeconomic inequalities. Many scholars argue that low levels of intraregional trade indicate that African countries remain dependent on Western markets, thereby providing a poor incentive for regional integration (Asante, 1996). However, others (Longo and Sekkat, 2001; Adejeji, 2002) argue that intraregional trade between East African countries is much higher than the evidence would suggest, because of a vast informal trade sector. Kirkpatrick and Matsuo Watanabe (2005) noted that while between 1970 and 2001 there was a significant decline in internal trade in other regional entities like the Central African Economic and Monetary Community (CEMAC) and the Economic Community of Central African States (ECCAS), trade within the EAC had either remained stable or increased. They concluded that regional trade could support the expansion of cooperation on condition that it does not excessively benefit powerful corporate interests and the elites of countries within regional blocs.

The extent to which the adoption of ideas of regionalism that are implemented in the West or that merely reproduce globalization narratives can be questioned as an alternative in the case of East Africa’s problems. The history of informal cross-border trade is just one example of how East African regional integration exists without the Community. This raises questions on how the EAC plans to account for this type of regional integration that is already happening “from below”. Before tackling the larger
theoretical questions on the adoption of regionalism in East Africa, I will first provide an overview of the first EAC as a way to understand how regionalism in East has a specific, original history that is not just functioning as a response to neoliberal imperatives.
CHAPTER 3:
Postcolonial East Africa and the EAC, 1967-1977

The East African Postcolonial Nation-State

In order to understand the rationale for the reestablishment of the EAC, it is imperative to recognize the rise and fall of the first EAC. This chapter will focus on the developments that led to regional cooperation immediately post-independence as well as examine the factors that led to the collapse of the organization in 1977. Moreover, it will provide insight when investigating the differences in goals between the first EAC and second EAC. The first section of this chapter will primarily deal with the historical factors that led to the emergence of regionalism in East Africa. The second section will then further examine the demise of the EAC.

The British colonized Uganda and Kenya in 1895 and remained in power until independence in the 1960s, while Tanganyika was part of German East Africa during the first two decades of the twentieth century, passing under British control only after World War I (Davies, 2008). The British colonial administration of Uganda and Kenya tried to consolidate infrastructures and the exploitation of resources. In 1896, the British began construction of the Uganda Railway, known today as the “Lunatic Express” because of its century-old infrastructure, from the Port of Mombasa to Kisumu on the eastern shores of
Lake Victoria, where construction ended in 1901 (Ogonda, 1992). This achievement became strategically and economically vital for East Africa as it aided the transition to wage labor by reducing requirements for forced labor in human porterage. For colonists, it created easier access to the interior of the continent and allowed for goods like coffee and tea to be easily exported, encouraging colonial settlement and commerce (Ogonda, 1992). The establishment of the Uganda Railway was followed by the creation of a common currency for both Uganda and Kenya in 1905 (Davies, 2008). The East African Currency Board was established in 1920 with the role of regulating joint monetary policies. First, the East African Rupee was established in 1906, followed by the East African Florin in 1920. In 1921, the East African Shilling was adopted as the common currency and remained in place until 1969, after the independence of the three East African countries.

In 1917, the Customs Union was established between Kenya and Uganda, providing for unified import duties and free trade between the two countries (Davies, 2008). Tanganyika would later join in 1927 (Davies: 2008). The Customs Union became the foundation for future regional cooperation between the three countries. Following coordinated military and economic efforts during the Second World War, the Customs Union evolved into the East African High Commission (EAHC) in 1948. The EAHC “had the institutionalized authority to oversee the running of common services between the territories” (Davies, 2008: 408). This was the first time East Africa acquired a single institutional framework responsible for overseeing economic relations between the three countries. The EAHC later evolved, in the postcolonial period, into the East African
Common Services Organisation (EASCO) in 1961 (Davies, 2008), which provided the foundation for the first EAC.

In 1962, still under British rule, the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) formed a coalition to establish a constitution and government for independent Kenya. They divided the country into seven semi-autonomous regions, each of which had their own government, subordinated to the central government. Kenya gained its independence from Great Britain in 1964 and rapidly moved toward an authoritarian form of government, eventually culminating in 1969 in the *de facto* one-party KANU regime, entailing constitutional changes centralizing control of the police force and civil service (Hornsby, 2013). Jomo Kenyatta became Kenya’s first Prime Minister in 1963 and later served as its first President in 1964 (Hornsby, 2013).

Kenya’s one-party, KANU-ruled state adopted a pro-Western stance, embracing both capitalism and free trade. Under Kenyatta’s presidency, the plantation sector was restructured through the subdivision of estates formerly owned by white settlers, which were now given to local farmers, especially Kikuyu. Agriculture and farming were vital forms of employment under colonization and the transition to private property under a capitalist post-independence Kenya by the 1970s only reinforced a situation in which agriculture accounted for the majority of the country’s wealth. Kenya remained relatively economically and politically stable throughout the early independence period. This economic and political stability would be challenged with the introduction of structural adjustment and the intervention of the IMF and World Bank. The introduction of SAPs
combined with growing ethnic tensions posed a concern for Kenya’s stability in the 1990s.

Postcolonial Tanzanian history is very different from its East African neighbor. Formed from the federal union of the former colonial possessions of Tanganyika and Zanzibar, the country has a more deeply entrenched one-party politics. In 1953, Julius Nyerere, a history, English and Kiswahili teacher in Dar es Salaam, joined a civic organization called the Tanganyika African Association, which in 1954, he transformed into a politically oriented group called the Tanganyika African National Union (TANU) (Hunter, 2012). The mission of TANU was to achieve national sovereignty for Tanganyika from British colonial rule. Under Nyerere’s presidency of TANU, Tanganyika achieved political independence within the Commonwealth on December 9, 1961, and, one year after gaining independence, the people elected Nyerere president of the new republic (Havnevik, 2010). Following revolution on the island of Zanzibar, the two territories unified in 1964 to create Tanzania, under the leadership of Nyerere (Havnevik, 2010).

Like Kenyatta and other African leaders of the time, Nyerere believed that multiple political parties in a country with many ethnic groups would cause political fragmentation and strife, threatening the stability and unity of the nation. Therefore, in the name of national unity and economic development, one month after being elected president, Nyerere declared Tanzania a one-party state, with TANU the only legal political party in the country (Hunter, 2012). To further his goal of national unity, Nyerere declared Kiswahili the national language of Tanzania. In opposition to early
initiatives in rural development "that had grown out of colonial projects, settlement schemes, also known as ‘heavily capitalized state-farms’” (Schneider, 2004: 348), Nyerere issued the Arusha Declaration of 1967, a document inspired by African socialism, which became Tanzania’s foundational ideological statement (Havnevik, 2010). The Arusha Declaration committed Tanzania to a socialist economic and social strategy, emphasizing self-reliance, small-scale village-based farming, and frugality. The signing and launching of the Arusha Declaration in 1967 heralded a form of African socialism inspired by the *ujamaa vijijini* or “villagization” of rural Tanzania, which Nyerere saw as in tune with what he believed were the values and norms that prevailed in pre-colonial Tanzania (Havnevik, 2010: 24). Nyerere’s own writings reflect a view of development focused on grassroots empowerment and control (Schneider, 2004). Nyerere regarded *ujamaa* as a philosophy opposing the type of export-oriented “neocolonial” capitalism (Havnevik, 2010) that, in many ways, Kenyatta had embraced. For Nyerere, *ujamaa* was also a call to African unity, “to embrace the whole society of mankind…the only logical conclusion for true socialism” (Havnevik, 2010: 35). Yet the villagization of rural Tanzania, which on paper was declared largely completed by 1975 following its increasingly authoritarian enforcement, did not alleviate Tanzania’s dependence on the export of agricultural commodities such as sisal and its top-down implementation met the growing disapproval of Tanzania peasants (Schneider, 2004).

The priority on “self-reliance”, as the most critical point of the Arusha Declaration strongly contrasted with Kenyatta’s privatization of agriculture and focus on export markets. Nonetheless, by the end of the 1970s Tanzania’s economy was in turmoil
and on the verge of collapsing, also due to the expensive five-month Uganda-Tanzania war of 1979. Nyerere tried to resist the advice of minister of Finance, Edward Mtei, who advocated economic reforms alongside the IMF’s directives (Amizade, 2013: 245). Nyerere opposed the devaluation of the Tanzanian currency, trade liberalization, and privatization on the ground that they would decrease self-reliance, create poverty, and increase inequality (Amizade, 2013: 245-246). In the early 1980s, foreign aid declined, forcing the Tanzanian government to respond to these pressures (Amizade, 2013: 246). While President Nyerere was unable to prevent the transition to neoliberal policies, his rule remained characterized by remarkable political stability.

The third and final participant in the first EAC, Uganda, gained independence from Britain in 1962. Exiting colonialism, Uganda was a greatly divided country, nationally, religiously, and ethnically (Mwakikagile, 2012). The British had mostly prioritized Baganda-dominated southern Uganda, leaving the north at a much lower level of economic development and with weaker political institutions (Mwakikagile, 2012). Religious differences between Protestants and Catholics aggravated the situation (Mwakikagile, 2012). In the intentions of the colonizers, the Buganda kingdom “formed the nucleus of what was to become the country and nation of Uganda” (Mwakikagile, 2012: 34). This favoritism both fuelled hostility towards the Buganda Kingdom as well as laid the foundation for the difficulty Uganda experienced with establishing unitary state institutions (Mwakikagile, 2012). Since gaining independence in 1962, Uganda has been plagued by ethnically driven violence to an extent that neither postcolonial Kenya nor Tanzania have encountered. This ethnically driven violence has found divergent political
expressions and deep-rooted divisions still exist. A recent example is provided by the diffusion of the Lord’s Resistance Army insurgency in the broader context of dissatisfaction by the Acholi of northern Uganda with the authoritarian regime established by Yoweri Museveni in 1986.

Uganda’s politics is more fragmented than either Kenya or Tanzania. In the context of deep religious and ethnic divisions, three political parties developed after independence: The Democratic Party (DP) identified with the Catholic population, the Uganda’s People’s Congress (UPC) strong in the north and the west and an expression of protestant loyalties, and the Kabaka Yekka (KY), or “king only”, identified with the Baganda monarchy (Mwakikagile, 2012). Milton Obote, a UPC leader from northern Uganda was the first elected prime minister in 1962 and went to power through a coalition of UPC and KY. In 1964, the coalition came to a halt as Baganda nationalists ventilated the possibility of seceding in response to Obote’s centralism. Obote began to rely more heavily on the northern-dominated Ugandan military to control Buganda. In 1966, Obote suspended the constitution and took the position of president, centralizing executive powers in his hands (Mwakikagile, 2012). In September 1967, a new constitution was adopted, proclaiming Uganda a republic, abolishing the roles of traditional kingdoms, and giving the president unprecedented executive and legislative powers (Mwakikagile, 2012). In his efforts to consolidate power, Obote purported to move Uganda to the left, politically speaking, following Nyerere’s call for African socialism.
Obote was overthrown in a military coup led by Idi Amin Dada, another leader from northern Uganda, in January 1971 (Mwakikagile, 2012). Amin declared himself president, dissolved parliament, and amended the constitution to seize virtually absolute power. His dictatorship, characterized by violence and terror, lasted until 1979, and placed Uganda on a path of confrontation with its neighbors and the international community. Amin expelled the majority of Uganda’s Asian population, seizing their property and houses and incited a five-month long Uganda-Tanzania War. In April 1979, Amin was forced out of the country and fled to Libya, leaving behind a country fraught with economic and political instability. These three East African countries differ greatly from one another in their postcolonial political history, especially with regard to political regimes, party systems, the politicization of ethnic loyalties, and prevailing state ideologies. Yet, because of the shared colonial history, colonial development projects, and previous existing regional organization like EACSO that connected these East African nation-states, they pursued regional integration efforts in the 1960s that led to the establishment of the first EAC in 1967. The next section will provide greater historical detail and analysis of the first EAC.

The Establishment and Demise of the First EAC

In 1967, the first EAC emerged, and would eventually become one of Africa’s longest lasting regional economic communities. Following on the footsteps of its predecessors, the EAHC and EASCO, the EAC confronted a similarly complex scenario of social and political fragmentation. In Kenya and Tanzania colonial governance had left relatively
stable institutions, but British rule of Uganda had produced ethnic divisions that created an unstable political situation. All three countries inherited an economic relationship with the “developed” world that made them dependent on the export of agricultural raw materials. At the same time, regional cooperation and integration were not only the product of colonial initiatives but also reflected movements of resistance to colonial rule, as evident in the influence on the region of the pan-African idea after 1945. For example, Jomo Kenyatta, before becoming the first president of Kenya, was one of the main organizers of the Fifth Pan-African Conference in Manchester in 1945 (Davies, 2008). This conference inspired nationalist movements across the African continent. A Ugandan delegate at the conference, Yatu, proposed a single country that included Kenya, Uganda, Tanganyika, Zanzibar, and a number of smaller islands in the Indian Ocean (Davies, 2008). This energy led to the emergence of an East African based Pan-African movement in 1958 called the Pan-African Freedom Movement for East and Central Africa (PAFMECA), with the main objective of regional integration (Davies, 2008). The shared experiences of colonial oppression, deepening economic dependency on “developed” countries, and the continental consciousness sweeping among African intellectuals and activists are all factors that influenced the vision of a possible East African Federation Nyerere was a symbol of East African regional integration with his approach that “Africa must travel together as one, or no part of it will arrive at its destination” (Nyerere, 1967: 327). He was willing to delay the independence of Tanganyika, if that meant advancing to political freedom for all three nations as a federation (Twagira, 2012). Yet, East African states achieved independence under the more pragmatic bases of nation-states
modelled after the colonial example, which reflected the disenchanted approach to federation of Uganda and Kenya rather than Nyerere’s idealism.

Even so, East African leaders saw economic regional cooperation as a response to the legacies of colonialism, which eventually outweighed political obstacles and allowed for the creation of the EAC in 1967 with the signing of the Treaty for East African Cooperation. The goal for the establishment of the first EAC (EAC) was to promote socioeconomic cooperation between the three member states that would eventually lead to the development of an East African Federation. The establishment of the EAC did not only garner support from East African leaders like Nyerere and Kenyatta, but also from political elites throughout the region. Former Kenyan president, Daniel Arap Moi, who at the time was serving his term as both the country’s vice-president and minister for home affairs, illustrates this point at the Kenya National Assembly. He stated:

“the economic set-up of East Africa is unique and that is why many other states within East and Central Africa are trying to join the EAC, and the three countries – Kenya, Uganda, and Tanzania – should set an example so that others can join in. We know today that the European Economic Community is trying to unite the peoples of Europe; and we are also trying to unite ourselves within East Africa” (Kenya National Assembly Official Record, 1971: 927).

The EAC thus presented itself as an effort made by the East African population to “consolidate and preserve a shared historical experience that transcends the colonial era, but one that also reflects Africa’s search for a collective initiative with which to stamps its identity in the modern world” (Davies, 2008: 407).

As previously discussed, the first EAC inherited a monetary union. In 1969, the member states opted to change that system by transforming it into a parity currency meaning that each country had its own currency but it would convert at a fixed and equal
rate with the other countries: one Ugandan Shilling was equal to one Kenyan Shilling, which was equal to one Tanzanian Shilling (Twagira, 2012). This mechanism allowed the first EAC to bypass discussions of monetary unification, allowing them to focus on other political and social issues. The major long-term goals of the first EAC were to establish an East African common market to encourage, strengthen, and regulate industrial and commercial development as well as encourage trade between East African countries. This led to regulations encompassing both intra-community trade as well as trade with nonmember states. The three countries also focused on establishing regional corporations based on preexisting British-built infrastructure that remained after independence: The East African Railway Corporation, the East African Harbours Corporation, the East African Airways Corporation, and the East African Posts and Telecommunications Corporation.

Even though the EAC already had both an existing infrastructure and a unified monetary system to serve as a single institutional framework, political strife, ideological rifts, and economic issues marred the three countries’ regional cooperation. Politically, Idi Amin of Uganda and Nyerere of Tanzania were at opposing ends. When Idi Amin’s coup in 1971 exiled former president Obote, Nyerere granted Obote political asylum in Tanzania (Twagira, 2012). Ideological rifts existed between Kenya and Tanzania. At the time, Kenya, under the leadership of Kenyatta, was quickly developing a free market economy, embracing notions of capitalism while Tanzania, under the leadership of Nyerere, was developing and implementing a socialist program of communal land ownership and redistribution (Twagira, 2012). Economically, trade across East Africa
started to decline as national goals began to overshadow regional ones and the creation of
national identities after independence became priorities. Therefore, gaps between
countries along the capitalism-socialism divide deepened. Julius Nyerere especially
opposed capitalism: “Capitalism means that the masses will work, and a few people –
who may not labor at all – will benefit from that work. The few will sit down to a
banquet, and the masses will eat whatever is leftover” (Nyerere, 1973). This was further
intensified in 1977 when the three member states could not agree upon an annual budget
for the organization. Furthermore, Kenya became by far the main exporter in the group,
increasing the dependence of Tanzania and Uganda on the Kenyan economy. Kenyan
government officials thus questioned the legitimacy of having the East African Railways
and Harbours headquartered in Dar es Salaam, Tanzania, and the East African Post and
Telecommunications in Kampala.

Even though the EAC was considering expansion following applications from
Zambia, Ethiopia, Rwanda, and Burundi, these political, ideological, and economic
factors led to the collapse of the organization in 1977 (Twagira, 2012). Yet at an
assembly of the Tanzanian parliament in 1980, Nyerere stated,

“In 1975, when this Parliament was elected, the economy of Tanzania was
described as being in worse condition than at any previous time since
independence. Unfortunately, our troubles did not end that year. The whole Five
Years of the Parliament has been a period of difficulties. We have had drought,
floods, war, and the problems arising from the break-up of the East African
Community… Any realistic hope for economic co-operation in the Third World,
or in Africa, must be based on co-operation between neighbours. I therefore want
to make it quite clear that Tanzania’s desire to build economic co-operation
within East Africa has not changed in any respect. Our desire for it is just the
same as it was before the break-up of the EAC” (Nyerere, 1980)
Following the dissolution of the EAC in 1977, the member states negotiated a mediation agreement for the Division of Assets and Liabilities in 1984. As a provision of the agreement, the three countries decided to explore future areas of cooperation and to make arrangements accordingly. This mediation agreement would become the working foundation for the reestablishment of the EAC in the new millennium.
CHAPTER 4:
The East African Community Today

A number of scholars believe that successful international integration has the potential to considerably reduce the type of national rivalries that brought the first EAC to collapse in 1977 (Mitrany, 1966; Mitrany, 1975). A report completed by the EAC’s Committee on Fast Tracking East African Federation agrees, stating that “when societies merge to form one large economic and political entity, issues of tribalism, religious, and other socio-cultural problems tend to disappear; under each separate country this has proven difficult” (EAC, 2004: 15). Yet one must wonder whether, by placing such faith in abstract norms and ideas, the EAC constitutes aspirations that merely gloss over the complex realities the region faces. This brings into question whether or not the idea of regional integration is merely an official ideal or a purely technocratic solution. Keeping in mind the problematic relations between regionalism and postcolonial ideas of national sovereignty, this chapter will analyze the current state of the EAC. In doing so, it will discuss both the uses and limitations in the EAC’s faith in regionalism as the ultimate alternative to the current predicament of East African states.

Setting the Scene for the Re-establishment of the EAC: Structural Adjustment and Political Instability
The dissolution of the first EAC in 1977 occurred during an especially precarious period when African countries, across the continent, were faced with a number of increasing political and economic problems that led to the introduction of SAPs in the East African region. This first section of this chapter will provide historical context for the period between the end of the first EAC in 1977 and the establishment of the second EAC in 1999. My goal is to provide insight into the mindset of the leaders of Kenya, Tanzania, and Uganda as they re-establish regional cooperation in the early nineties, which eventually led to the re-establishment of the EAC in 1999.

The Uganda-Tanzania War in 1979 not only brought an end to Idi Amin’s regime, but also caused economic instability, further driving Tanzania into poverty. The country did not receive any support from the Organization of African Unity (later replaced by the African Union), which held the Tanzanian government entirely responsible for the cost of the war, from which it would never fully recover (Havnevik, 2010). In October 1985, Nyerere stepped down as president, but retained control of the ruling party, Chama cha Mapinduzi (CCM), as its chairman. The new president, Ali Hassan Mwinyi wasted no time in reversing many of the socialist policies Nyerere had implemented. A major shift in policy started to occur, transitioning from socialism to a more liberalized economy, following the adoption of a structural adjustment program elaborated by the World Bank and the International Monetary Fund (Havnevik, 2010). As previously discussed, structural adjustment has perpetuated a colonial pattern of dependency through policies of export promotions that locked African countries in their historical role as suppliers of
agricultural commodities and raw materials. It also implied a persistent control of African social and economic policies by powerful countries and private interests capable to shape the agenda of the World Bank and the IMF. The two international financial institutions offered loans on condition that borrowing countries had to implement programs that focus on, among other aspects, the liberalization of markets, the privatization of state-owned enterprises, short-term budget deficit reduction through higher taxes, especially on non-corporate or export-oriented sectors, and lower government spending, currency devaluation, and retrenchments in food subsidies and public sector employment (Woods, 2007). In Tanzania specifically, these programs were also aimed against Nyerere’s *ujamaa* policy in the rural regions of the country.

Following the liberalization of the Tanzanian economy and the erosion of the one-party state’s control of public spending and economic resources, a multi-party system was established in 1992. Benjamin Mkapa was elected as Tanzania’s third president in 1995, on a platform of furthering economic liberalization (Havnevik, 2010: 179). One of the most important ways Mkapa further liberalized the Tanzanian economy during his tenure in office was through the adoption of a national land policy, which opened the door for the commodification of land, transforming agricultural production in rural Tanzania (Havnevik, 2010: 108). He also took a number of other measures during his tenure, including the privatization of Air Tanzania in 2002 and reducing tariffs. He remained in office for a decade until he retired in 2005, when Jakaya Kikwete was elected president. Since 1995, the social landscape of Tanzania, as most especially visible in large urban areas like Dar es Salaam, has shifted dramatically. State-owned businesses
and transportation have ceased to exist and privately owned services now dominate the streets. An example is the dala dala, one of the most commonly used forms of transportation in Tanzanian cities. Dala dalas are minibus taxis that emerged as a response to the poor and deteriorating public transportation system in the 1970s and 1980s. They are privately owned and operated and, by 1998, the dala dala had almost completely superseded government-run transport (Rizzo, 2001). Yet, despite new incentive to entrepreneurship, unemployment skyrocketed, healthcare became inaccessible to the majority, and poverty continued to rise, exacerbating the economically insecure climate that characterizes the country today.

When Daniel Arap Moi succeeded Kenyatta in 1978, he initially followed in his predecessor’s footsteps. From the beginning, he took a staunch anticommunist stance, in contrast to Nyerere’s socialism, implemented across the border in Tanzania (Hornsby, 2013). Unlike Kenyatta, who was a member of the largest ethnic group in Kenya, the Kikuyu group, Moi was a Kalenjin, toward which power within KANU shifted. Kalenjin predominance became a point of contention during Moi’s tenure as president. Many Kikuyu believed that a disproportionate number of government jobs were being allotted to Kalenjin (Hornsby, 2013). Hornsby suggests that even the limited evidence available implies that a change in hiring practice did occur, whereby “Moi and his allies were relying on ethnicity above ability, and trying to kick-start the development of a Kalenjin elite state” (Hornsby, 2013: 443). Moreover, some evidence suggests that it was not just jobs that were monopolized by Kalenjin, but that a similar pattern existed in the state resource allocation. It seems that the average earnings for Kalenjin districts rose at a
significantly faster pace than others while these same districts received more funding to improve education (Hornsby, 2013).

In the late 1970’s, the Kenyan economy was suffering as a result of uncompetitive exports, a growing deficit and a foreign exchange shortage. Due to pressure placed on Kenya through the IMF and World Bank, the Shilling was devalued in both 1981 and 1982 in hopes of assisting exports and bolstering the economy (Hornsby, 2013: 356). While it did assist with exports, it also initiated inflation, hurting consumers and doubling Kenya’s foreign debt (Hornsby, 2013). Kenya turned to the World Bank for finance and received Africa’s first structural adjustment loan, worth US$70 million, which in a sense ushered in the era of structural adjustment in the continent. Under Moi’s leadership, the country’s amount of debt repayment to international creditors tripled from 1977 to 1982. By 1993, Kenya’s economic record was so poor, that banks would not initiate any new loans (Hornsby, 2013). This situation only worsened as the Kenyan Shilling rapidly decreased in value and businesses panicked as the country entered a period of crisis. In March 1993, Moi announced that the Kenyan government planned to abandon structural adjustment policies, but within days the government backtracked, but even with the economic bounce back experienced by the mid-nineties, Kenya was still considered a highly indebted nation in 1996 (Hornsby, 2013: 570). Hornsby argues that “the political and economic conditionalities [the West] had established for the disbursement of aid left it enmeshed in Kenya’s internal affairs, granting or withholding aid, choosing projects and auditing outcomes, and driving policy via lobbying, aid conditionalities and NGOs
alike” (Hornsby, 2013: 565), perpetuating an economically dependent relationship. By the end of the century, Kenya was structurally dependent on foreign aid.

Facing new elections, Moi also re-established Kenya as a single-party state, allowing him to maintain complete political control. Popular discontent, catalyzed in 1990 by the assassination of foreign minister, Robert Ouko, who was highly respected among the international community and had become a threat to Moi because of the relations Ouko was able to cultivate with the US at a time when the US government was growing increasingly unhappy with Kenya (Hornsby, 2013: 472-475), renewed criticism of the government, initiating demands for political change and fueling a campaign for multi-party democracy. Demands for democracy also stemmed from concerns about corruption and the power of the politically connected elite, for which the Kalenjin mostly took the blame. This sparked a number of uprisings throughout the country and yet Moi remained adamant that multi-partyism would be suicide for Kenya (Hornsby, 2013). By 1991, the country’s aid partners threatened to suspend aid, forcing Moi to restore multi-partyism (Hornsby, 2013). He felt he was pressured into making this decision, arguing that:

> It was because of the Western media set against us, because of the economic setting today. The trend of the world economies are being controlled by developed countries, and I didn’t want my people to be hammered and bothered for a long time...Don’t you ever believe that in Africa with multi-partyism will produce stability in Africa. It will never (BBC, 1992 #96).

A shift to multi-partyism did occur, but without the implementation of actual democracy. While Moi was pressured to transition to open up the national political space, he was able to maintain his presidency until 2002, largely manipulating the weakness of a divided
opposition. Kenya, who during the first EAC, exercised a decisive influence with a vibrant economy, a relatively established political system, and a measure of social stability entered into the second EAC with an economy in crisis, severely eroded state capacities, and growing social problems characterized by the unprecedented ethnic divisions. These conditions only emphasize the difficulties of regional integration, with Kenyas’s leadership role in the process now in question.

Uganda was left in a state of political instability in 1979, when Idi Amin was forced out of the presidency. The Uganda National Liberation Front formed an interim Presidential Commission, electing Yusuf Lule as acting president, who was replaced with Godfrey Binaisa in June 1979 (Mwakikagile, 2012). After a number of political disputes over power, the December 1980 elections restored political order and Milton Obote, running with the Uganda People’s Congress (UPC), was re-elected president. This led to accusations that the elections were rigged, which triggered the uprising of the National Resistance Army (NRA), led by Yoweri Museveni, as well as a number of other armed groups. Obote was eventually overthrown in a military coup d’état, and, following this prolonged struggle, Museveni gained control of the country in 1986 (Mwakikagile, 2012). While Tanzania and Kenya experimented with multi-party systems, Uganda remained stuck in the traditional pattern of authoritarianism, which Museveni tried to rebrand as a “no-party” democracy. Politically and socially, the country has remained unstable. During colonialism, the British favored the people of the south, while neglecting the Acholi and other populations in the north. This history of ethnic division is vital to the postcolonial history of Uganda. The Acholi, marginalized ever since, resisted Museveni, a member of the Banyankole group from southwest Uganda, in a prolonged
struggle. Their opposition met harsh military repression by Museveni’s armed forces (Mwakikagile, 2012).

Four years after Museveni was elected, he was hailed at home and abroad as providing the country “with it best government since independence from British protectorate rule almost three decades before” (Hansen and Twaddle, 1991: 1), and was commended for his ability to provide other struggling African states with an ideal model in terms of developing resources in the interest of the people (Hansen and Twaddle, 1991). In May 1987, Museveni moved to devalue the shilling, ushering in a series of economic reforms under structural adjustment programs. The IMF and World Bank hailed Uganda as one of the few success stories of SAP implementation in African nation-states. Many greeted Uganda’s successful recovery from the long civil war, which was attributed to high rates of growth and liberalized markets (Belshaw, Lawrence, and Hubbard, 1998). Yet Uganda’s postwar socioeconomic performance failed in a number of others areas, like the rehabilitation of the agricultural sector (Belshaw, Lawrence, and Hubbard, 1998). Moreover, the market-based macroeconomic reforms alone were insufficient to achieve the type of economic recovery that would allow Uganda’s productive activities to compensate for the political turmoil of the Amin and Obote administrations. Therefore economic performance lagged in terms of the alleviation of widespread poverty (Belshaw, Lawrence, and Hubbard. 1998). At the same time, Uganda never adopted a system of multi-partyism, like Kenya and Tanzania, remaining predominantly authoritarian, even if Museveni’s “no-party democracy” had the ambition of activating forms of popular political participation at the local level. If anything,
Museveni amended the constitution to extend the presidential term limits, as he has now been in office for almost three decades.

**Historical and Political Rationale for the Re-establishment of an EAC**

When the EAC dissolved in 1977, East African elites did not renounce their aspirations of future regional cooperation. The former member states of the first EAC spent the following years rebuilding common services and infrastructures the regional organization had previously offered. The momentum toward regional cooperation was slowly moving, as the three former member states attempted to regulate economic affairs by means of individual multilateral agreements. In 1984, the objectives of creating a viable regional organization were outlined in the EAC Mediation Agreement, stating, “the States agree to explore and identify further areas for future co-operation” (Kenya, 1988). It was not until the early nineties that the leaders of Tanzania, Uganda, and Kenya took advantage of this agreement and began to develop the idea of regional integration once again, as a way to withstand the forces of globalization, provide a stronger environment to attract foreign direct investments, and create a political and economic climate suitable for the growing population (Kamala, 2006). These efforts were later reinforced in October 1991 when Moi, Mwinyi, and Museveni met during the Commonwealth Heads of State or Government Summit in Zimbabwe (Adar, 2011). They met again the following month in Nairobi to establish a committee of ministers of foreign affairs with the goal of promoting regional cooperation (Adar, 2011). Following negotiations and conversations, the
ministers of foreign affairs established a Permanent Tripartite Commission for East African Cooperation in November 1993. In March 1996, the Secretariat of the Permanent Tripartite Commission was established at the EAC headquarters in Arusha, Tanzania (EAC, 2015).

The main objective of the Permanent Tripartite Commission for East African Cooperation was to lay a foundation for economic, political, social and cultural development for the region (Adar, 2011). As outlined in the Preamble of the EAC Treaty, the commission was responsible for “the co-ordination of economic, social, cultural, security and political issues” (EAC, 1999). This arrangement lasted for one year until the East African Heads of State moved to consolidate regional cooperation even further, with a view at grasping expanding international market opportunities and the belief that regional cooperation would stimulate growth and provide economic security for the member states. The heads of state directed the Permanent Tripartite Commission for East African Cooperation to draft an official treaty, examining “the development of closer co-operation between the said countries in the fiscal, monetary, immigration, infrastructure and service fields” (EAC, 1999). This process, initiated by member states and claimed to involve forms of participation from the public, concluded in three years (EAC, 2015).

While official documents and press releases published by the EAC claim to have involved public participation in the reestablishment of the EAC, it still remains unclear as to how this participation manifested itself. There are no accessible records that identify the role of public participation in the process. Rather, it is often just referenced broadly as public participation. This, once again, brings into question whether the EAC is the result
of a technocratic decision making process through elites or if it maintains some elements of democracy. Considering that no explicit examples can be found regarding the forms of public participation that were utilized, it would seem that the EAC is trying to perpetuate the image that it is a democratic body when in reality, it does not practice democracy. The Treaty for the Establishment of the EAC was signed at the EAC Headquarters in Arusha on November 30, 1999, entering into force, after the ratification process, on July 7, 2000. In 2007, membership was extended to Rwanda and Burundi.

The leaders of member countries have tended to see economic integration mostly as a device for global competitiveness. President Uhuru Kenyatta gave a speech during the Fifteenth Summit of the EAC Heads of State in November 2013, in Kampala, arguing that,

In East Africa, we are called upon to rise up and compete effectively in the global economy. To develop necessary capacity, we must deepen even the more trade amongst each other. This way, our private sectors will develop the strength, resilience and stature needed to take on the world. We intend to make the East African the ideal launching ground to global competitiveness (State House of Kenya, 2).

Discussing the rationale for the reestablishment of the EAC poses a specific set of questions that need to be addressed: Does this emphasis on competitiveness merely replicate the framework of structural adjustment? How does it provide an alternative to sovereign statehood? How much of this alternative is rooted in an ideological framework that is not necessarily being attained? Does a balance exist between the leaders and democratic participation? The following sections will attempt to address these questions by examining the problems and contradictions within the new EAC as illustrated through the treaty and its organs.
The Treaty Establishing the EAC: Principles Governing the EAC

This section will elaborate upon the second chapter of The Treaty Establishing the EAC, which outlines the establishment and principles of the community, to provide an understanding of the basic goals of the treaty, as well as understand the perspectives and political mindsets that are foundational for the emergence of the second EAC. Tanzania, Kenya, and Uganda ratified the treaty with the understanding that:

co-operation at the sub-regional and regional levels in all fields of human endeavor will raise the standards of living of African peoples, maintain and enhance the economic stability, foster close and peaceful relations among African states and accelerate the successive stages in the realisation of the proposed African Economic Community and Political Union (EAC, 1999: 3).

The first chapter of the treaty provides a list of terms and definitions used throughout the document. One of the most important terms of reference, with regard to sovereignty and regionalism in East African countries is “civil society”. The treaty defines it as “a realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by a legal set of shared rules” (EAC, 1999: 4). The first EAC did not provide any options for political cooperation, but rather focused solely on the economic. By including civil society as central to the goals of the new EAC, East African leaders are attempting to show what they have learned from the collapse of the EAC’s predecessor. But, considering how the notion of civil society has become a central tenet of both World Bank and IMF ideology, this concept becomes highly problematic. It cannot be assumed that just because the EAC includes civil society as a main goal of the
Community that they necessarily have the means to follow through with that goal. The East African Judicial Assembly (EAJA) is the only organ of the Community that civil society has a working relationship with, and that is only in the capacity of bringing cases to the court within the Community. East African leaders, attempting to draw lessons from the collapse of the first EAC, are using the discourse of civil society as a foundation for the identity of the new EAC and a counter-narrative opposing perceptions of East African nation-states as undemocratic. By instilling this use of civil society, East African leaders are providing the impression that civil society is not only central to the success of the Community, but also to the success of the individual member countries. In this way the Community seeks legitimacy in the eyes of an international community that, by now, requires neoliberal adjustment policies to be implemented by formally democratic institutions.

In addition to mapping out the establishment, membership, and legal capacity of the community, Article 6 and Article 7 outline the objectives and the fundamental principles of the EAC, respectively. The objective of the community is stated as to establish a customs union, a common market, a monetary union, and ultimately a political federation, “in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States to the end that there shall be accelerated, harmonious and balanced development and sustained expansion of economic activities” (EAC, 1999: 12). Here, the treaty envisions a process for the EAC to eventually move from a regional intergovernmental organization comprising the five states of Tanzania, Uganda, Kenya, Rwanda and Burundi to a political federation.
Additionally, the emphasis placed on an “accelerated” expansion raises questions. Initial projections of the EAC estimated that a monetary union would exist by 2012 with a political federation in sight by 2020. On paper, the EAC is a very ambitious organization, but implementation of its vision of integration has faltered. East African leaders are loyal to the idea that regional integration always yields economic benefits for the member states. While it is the case that regional integration *could* lead to positive macro-economic effects, the assumption that regional integration *always* produces economic benefits is questionable. For example, the EAC has recently had to acknowledge that full implementation of the common market may take decades as non-tariff barriers placed upon imports and exports between member states still remain a problem.

The treaty also outlines the fundamental political principles that are expected to guide the organization. These include political trust, sovereign equality, peaceful coexistence and settlement of disputes, and cooperation for mutual benefit (EAC, 1999: 13). It expects all member states to adhere to good governance, which is defined as “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 people’s rights” (EAC, 1999: 13). This is an interesting point considering that, while Tanzania and Uganda are both formally democratic multi-party states, they do not operate as such. Both the CCM in Tanzania, who has dominated national elections since 1977, and Museveni’s long-lasting reign as president since 1986 - - in 2006 he was elected for his third consecutive term in office -- demonstrate the difficulties democratic politics has encountered in both countries. Rather, some
journalists have wondered whether Museveni, a staunch supporter of the EAC and regional integration, continues to extend his term as president in hopes to eventually become the head of the East African Federation (Karamagi, 2005). The treaty expects that the participating member states adhere to the principles of democracy and follow good governance, but this is an issue that has received attention from journalists tracking the emergence of the EAC. The weaknesses of the EAC that have received most attention are state self-interest, overly ambitious goals, and the insufficient involvement of civil society. Reith and Boltz (2011:99) write that “it would seem that coordination is at present aimed primarily at short-term optimisation of profit rather than at sustained harmonisation of joint economic activities”. It seems the EAC’s rhetoric, for the most part, disguises its economic short-termism in hopes to gain unwavering support for regional integration. Understanding the objectives and principles as laid out in the second chapter of the treaty are crucial for understanding how the EAC views itself and its role as a regional governing body.

**The Organs and Institutions of the Community**

The Treaty for the Establishment of the EAC created seven organs for the organization. These organs include the Summit, the Council, the Co-ordination Committee, Sectoral Committees, and the Secretariat, which share executive powers, and the East African Court of Justice and the East African Legislative Assembly, which maintain judiciary and legislative powers, respectively (EAC Secretariat, 1999). The organs that share executive
power establish a hierarchy, with the Summit at the top, followed by the Council and the Co-ordination Committee. In specific cases, when deemed necessary by the Summit or when the legislative powers cannot come to an agreement over an issue, legislative power can be granted to either the Summit or the Council. Examining the organization of the Community will provide further insight into how the EAC defines regional sovereignty. This section will provide a brief overview and analysis of the different governing bodies of the Community, focusing on its attempt to question the concentration of executive powers in the heads of state, who nonetheless remain responsible for driving the integration process, thus highlighting the persistent power of nation-states in the EAC as something typical of regional organizations in general.

The Summit is composed of the heads of state of the treaty member states. It is its main responsibility to ensure that the Community is pursuing its objectives in compliance with the goals outlined in the treaty (EAC Secretariat, 1999). It is expected to meet at least once a year and arrive at its decisions through consensus. Other functions that fall within the responsibility of the Summit include continual review of progress toward a political federation, reviewing and approving annual reports, and approving bills proposed by the East African Legislative Assembly (EAC Secretariat, 1999). The treaty also allows for legislative powers to be bestowed upon a single individual, the Secretary General. The treaty states, “an Act of the Community may provide for the delegation of any powers, including legislative powers, conferred on the Summit by this treaty or by an Act of the Community, to the Council or to the Secretary General” (EAC Secretariat, 1999: 17). This provides the Secretary General with the potential to interfere with the role
of the East African Legislative Assembly, which functions as the major legislative body of the organization (Adar, 2011). Bearing in mind the precarious relationships that occasionally exist between the heads of state, as illustrated earlier in the chapter, their predominance in the EAC’s decision-making processes can become a matter of concern. The power of the Summit and the heads of state reinforce fears about the possible role that personally strained relationships at the leadership level may have in jeopardizing the existence of the EAC. As Daniel Bach puts it, “the reluctance of most African governments towards effective transfers of sovereignty and their inability to enforce commonly agreed upon policies stimulate debilitating patterns of regionalisation” (Bach, 2005: 185). These patterns of regionalism are a result of the East African states’ commitment to preserving national sovereignty that remains quite undemocratic. Trans-state regionalism would require a certain deterritorialization of state powers beyond national boundaries. The Community’s delegation of powers to the Summit can then perhaps envisage a counterbalance to the authority of individual national leaders. It remains to be seen how such institutional balances would further the goals of regional integration. Postcolonial African sovereignty has come to be defined by, in spite of persistent aspirations of supra-national integration and panafricanism, to a large extent, the legacies of the colonial state and a vision of personalized leadership as the central force keeping the nation together.

Other organs that make up the executive branch of the Community include the Council, whose primary responsibility is to oversee and promote the implementation of the Community’s vision in accordance with the treaty, the Co-ordination Committee,
which is responsible for implementing decisions of the Council and preparing reports on the Community, the Sectoral Committees, which are specialized committees created at the discretion of the Co-ordination Committee, and the Secretariat, which is responsible for the daily operations of the Community in accordance with the treaty (EAC Secretariat, 1999; Adar, 2011). Similar to the Summit, the Council also has the ability to assume legislative responsibility from the East African Legislative Assembly, especially when two organs disagree on a policy issue (Adar, 2011). Again, this brings into question the power dynamics between the organs. The ability of the Summit and the Council, as two organs of the executive branch, to usurp power from the legislative branch does not reflect an adherence of the principles of democracy. In fact, with the exception of the Summit, comprised of the heads of state, not a single individual in the executive branch is elected by East African citizens. Rather, each is selected by the member governments.

The single judicial organ of the organization is the East African Court of Justice (EACJ) and is comprised of two judges from each member state who are appointed by the Summit (Adar, 2011; EAC Secretariat 1999). The major responsibility of the East African Court of Justice is to ensure that the governing body of the Community functions in compliance with the laws established by the treaty (EAC Secretariat, 1999). The court also maintains jurisdiction over whether or not an individual member state is working in compliance with the treaty. Issues can be filed with the court by another member state, the Summit, or any person who is a resident of a member state (EAC Secretariat, 1999). The East African Court of Justice seems to be the only organ of the Community’s governing body whose decisions immediately affect its citizens. While the court only
holds jurisdiction over matters that explicitly concern the EAC, it functions as the only platform where citizens of the member states have access to decisions made by the Community. Yet, even this limited function of popular participation has been difficult to practically implement. In the course of the court’s existence, there have been only a handful of cases brought to it by citizens of East African countries. Despite the EACJ’s lack of explicit jurisdiction on human rights, many of the cases it has heard have been over issues of human rights. In November 2007, the EAJC ruled in the case of *Katabazi v. Secretary General of the EAC*, on the legality of the detention of Ugandan prisoners. The EAJC conceded that, “jurisdiction with respect to human rights requires a determination of the Council and a conclusion of a protocol to that effect. Both of those steps have not been taken. It follows, therefore, that this Court may not adjudicate on disputes concerning violation of human rights *per se*” (EAC Secretariat, 2007: 15). In 2012, the EAC Council met to discuss the extension of the courts jurisdiction. They agreed that Article 27(2) allows for the Council to determine whether or not human rights and related issues may be covered under the EACJ’s jurisdiction. The Council also agreed to extend such jurisdiction in addition to the EACJ’s initial competence over the interpretation of the Treaty (EAC Secretariat, 2012).

While the EACJ functions as the judicial branch of the Community, and the different organs like the Council and the Summit function as the executive branch, legislative functions are conferred to the East African Legislative Assembly (EALA), which is supposed to embody the democratic representative principle of the EAC. The East African Legislative Assembly, as the law-making body of the Community, is
responsible for approving budgets for the EAC, debating annual and audit reports, and initiating bills (EAC Secretariat, 1999). The membership of the Assembly includes nine members selected by each member state, the minister and assistant minister responsible for EAC affairs from each member state, the Secretary General, and the full Council (EAC Secretariat, 1999). The nine members from each member state are not directly elected by the voters, but are rather chosen by national legislatures, therefore by party majorities (Adar, 2004). While most members of the executive branch of the Community are appointed by the Summit, the parliaments of each country select members of the EALA. This system removes therefore the citizens’ voice from the running of the Community, leaving all decisions in the hands of national leaders and institutions. Not only does this raise questions on the nature and extent of the citizens’ involvement in regional integration, but it also brings to the fore the question of whether the EAC actually possesses a democratic legislature.

As many other supra-national organizations, the EAC suffers therefore from a problem of democratic deficit: to what extent can the organization be defined as legitimate at the popular level? Moreover, even if it had the power of supra-national lawmaking, the EAC does not have mechanisms for enforcing its laws among member states. The EALA heavily relies on individual governments to enforce any of its measures. This leaves implementation hostage to national disagreements. This issue has most recently manifested itself on the issue of the tourism visa. The member states of the EAC initiated a process of establishing one single tourist visa for all five countries. Uganda, Kenya, and Rwanda fully supported this, but Tanzania, a major travel
destination and home to the Serengeti National Park, Ngorongoro Crater, and Mt. Kilimanjaro, to name a few, was hesitant to embrace this new policy as it was concerned about sharing its tourism revenues. In case the majority of visitors applied for visas through Kenya but traveled to Tanzania during their stay, the Tanzanian government would sacrifice some of the benefits by not receiving the visa fees’ payments. With tourism as a major source of income and industry, this is a legitimate concern for Tanzania.

In regards to the EALA adherence to democratic principles, there are two competing views. First, there are those in favor of the current system, as members of the national assemblies are elected by the people of each country and then elect EALA members. Those in favor of indirect elections argue that if the process of indirect elections were carried out transparently at the national level it would broaden the region’s political space (Eze, 2004; Aywa, 2004). They also believe that direct elections are not feasible with the current set up of the Assembly, as one member would represent excessively large electoral colleges, with populations totaling as much as four million (Adar, 2004). The second view argues in favor of direct elections, but only at the final stage of integration, which for the Community is a political federation (Adar, 2004). The report of the Committee on Fast Tracking East African Federation acknowledges that East African peoples want to own the political federation and be active participants in its formation (EAC Secretariat, 2004). In regards to the question of political federation, the importance of gauging the views and opinions of the people of East Africa has been stressed by the EALA, but once can doubt with what practical effects, as the Summit can
completely disregard these orientations. In the end, even if the EALA reorganizes its election process to be more inclusive of the citizens, the question of its relations to executive organs toward which power within the EAC is heavily biased would remain.

This discussion of how power is dispersed within the governing body of the EAC sheds light on the larger, more theoretical question of legitimacy. It seems that regardless of the number of legislative institutions that could possibly be created, the EAC ‘s democratic deficit cannot lie entirely on this fact. Blaming the executive institutions does not provide a space for the EAC to examine of question inherited economic liberalization policies as a factor contributing to its democratic deficit. It still remains that the only contact citizens have with the EAC is through the EAJA, making it a heavily elitist organization. Furthermore, it focuses so much attention on functioning as a technocratic organization, that it does not provide itself the chance to assess how regional integration is actually manifesting itself within the East African region.

**Goals of the New EAC**

Since the reestablishment of the EAC, its leaders have attempted to chart a path toward political federation through the elaboration of the EAC Development Strategies. Each development strategy encompasses a four-year period where the EAC evaluates progress since the previous development strategy as well as outline broad strategic goals and specific targets to be achieved during the following four years. The EAC has published four development strategies since its reestablishment, for 1997-2000, 2001-2005, 2006-
2010, and most recently, 2011/2012-2015/2016. The development strategies offer insights into the specific goals of the Community, the means with which it plans to achieve these goals, and how they define regionalism in their pursuit of a political federation. This section will examine and analyze the long-term goals of the EAC as outlined in the development strategies. I contend that such strategies have defined the organization’s goals in a way that accelerates progress towards a political federation too ambitiously, without understanding the complexities of the different levels of cooperation envisaged.

The first EAC Development Strategy was formed under the mandate that it would produce a treaty for the establishment of the EAC. The overall strategy aimed:

- to promote the spirit of regional co-operation which was deeply rooted in the history of the region; to support the existing forces which have major interest in the strengthening of regional institutions and in the free movement of people, capital, goods, as well as services and information within the region; to place immediate emphasis on economic co-operation with a view to promoting enhanced political co-operation, and integration in the long run, and to reinforce institutional capacities for regional co-operation (EAC Secretariat, 1997: 2).

Besides reiterating the goals of a regional EAC, this passage clearly articulates and reemphasizes the faith the leaders of East African countries placed on regionalism. This idealization of the “spirit” of regional cooperation again points to both the demand for an accelerated growth. At the core of the strategy’s vision was the free movement of people and capital through the easing of border controls and the harmonization of fiscal policies throughout the member states. While reinforcing the goals of regionalism by outlining a plan to focus on specific aspects of regional cooperation like social services and infrastructure development, the first EAC development strategy initiated a plan to focus
on four mechanisms that would eventually lead the Community to becoming a political federation.

The first mechanism of the plan was to establish a customs union. The importance of establishing a customs union relies on duty-free trade between member states and a common external tariff on imports from non-member countries (Booth, Cammack, Kibua, Kweka, and Rudxaheranwa, 2007). Inaugurated in 2004, an East African Customs Union was successfully finalized and fully implemented by 2010 as a goal outlined in both the development strategies of 2001 and 2006. One of the delays in the implementation of a customs union was a result of navigating non-tariff barriers, a form of restrictive trade that results from prohibitions and specific market requirements resulting in a difficult and costly import/export process, which still remain a problem today. As of 2014, the EAC had resolved a total of fifty-nine non-tariff barriers that included a number of barriers that were involved with customs procedures, the implementation of export subsidies, and border taxes (EAC Secretariat, 2014). There are still twenty-two unresolved non-tariff barriers as well as eight new non-tariff barriers that have recently been reported (EAC Secretariat, 2014). The lengthy processes that was required to resolve non-tariff barriers speaks to a larger problem about the importance of state-sovereignty in East Africa. Economic integration between East African nation-states relies upon duty-free trade between member states, but the fact that East African nation-states were not willing to quickly comply with the removal and resolution of non-tariff barriers speaks to the greater problem of East African nation-states wanting to maintain their state-sovereignty. While the Community worked towards understanding ways to
effectively apply the customs union at the national level, there still remain a number of unresolved non-tariff barriers, which should not exist if East African nation-states are supposedly extremely willing to support regional integration.

To make the implementation of a customs union even more difficult is the impact of the rise of Asian countries as a major source of investment which African nations, especially East African nations, are looking to secure in competition. One example of this is the presence of Chinese investment in Kenya. In what has been referred to as Kenya’s opportunity to “look East”, China-Kenya relations have economically intensified since 2000. Kenya had already been on the receiving end of being China’s biggest source of foreign direct investment and is China’s second largest trade partner (Watts), but in August 2013, Chinese and Kenyan officials announced a deal worth $5 billion. This new deal, which was agreed upon during President Kenyatta’s first state visit to Beijing, includes wildlife protection, undisclosed energy projects, and the building of a railroad system to connect the port of Mombasa to Malaba, a town that sits on the border of Kenya and Uganda (Watts, Falk 2013). The new railroad that is the main goal of the $5 billion deal agreed up in August 2013 confirms the theory that China views Kenya as a gateway to East Africa. China is interested in financing the construction of this railway in hopes that it will further connect to other major East African cities like Kimpala (Uganda), Kigali (Rwanda) and Juba (South Sudan). Considering the goals of the Chinese to further penetrate the East African region of the continent, it seems that this type of agreement could have been made at a regional or supra-national level, but Kenya insisted moving forth with the deal as solely a China-Kenya agreement. In doing so, Kenya will
reap a number of benefits that the other member states will not, further increasing competition between the member states, in terms of international investment, and perpetuating a system that makes East African leaders less willing to give up their state-sovereignty for the sake of regional integration.

The next step on the path towards political federation is defined as the establishment of an East African Common Market. It was launched as an expansion of the EAC Customs Union in an attempt to free the movement of labor, capital, goods, services, and people. The common market was established in 2010, but the Summit determined that it could take up to five years for its coming into full effect because of the number of national policies that will have to be amended in order for the common market to function at the regional level. The implementation of a common market has not moved beyond ratification of the protocol, but the Community has urged to progress forward with the third step of their plan: monetary integration.

Both the customs union and the common market were fully implemented and became realities of the Community by 2010, allowing the EAC development strategy of 2011 to primarily focus on the establishment of a monetary union. Serious negotiations regarding an EAC monetary union commenced in January 2010, but progress has been slow for fear of the impacts of a single currency and limitations to national monetary sovereignty (EAC Secretariat, 2011). Up until recently, the Community has been tracking and recording progress toward a monetary union through the convertibility of member currencies, attempting to reach equalization of the exchange rates between member states. In November 2013, the Community came to an agreement on how to
establish an East African monetary union, setting a ten-year timeline for the establishment of a regional single currency (Bariyo, 2013). It plans to tackle this task in two ways: first, Kenya, Uganda, Tanzania, and Rwanda will try to establish the necessary institutions – including a central regional bank and statistics body – to support a single regional currency (Bariyo, 2013). Secondly, the member states will also launch an East African Monetary Institute, which will be responsible for the monetary and exchange rate policies, which will receive information from the statistics body in each country, producing regular inflation figures to guide price stabilization (Bariyo, 2013). Uhuru Kenyatta, Kenya’s president agrees that economic integration could be one of the most ambitious initiatives for the EAC, stating “the promise of prosperity and economic development hinges on soundness of our integration” (Bariyo, 2013: n.p.). Most East African leaders do not seem to share the same enthusiasm that Kenyatta and other Kenyan politicians show for the single currency. This could possibly be a reflection of Kenya’s economic power within the EAC, which replicates a problem experienced by the first EAC. While the EAC can count on a number of factors supporting a monetary union, including cross-border economic activity, there are also a number of factors working against an EAC currency (Green, 2014). Most importantly, the five member states will have to be prepared to relinquish their monetary sovereignty in order to join a single regional currency.

Upon the commencement of the Common Market, every citizen of each member state also became, formally and on paper, an East African Citizen. What this means in practice is hard to judge as there is currently no East African state to be a citizen of. Even
with ever-expanding borders and increasing globalization, citizenship still primarily pertains to nation-states, so what attributes of citizenship accrue from being a citizen of the EAC, or rather an EAC member state? One technique the Community utilized in an attempt to popularize the idea of regional citizenship was the introduction of dual citizenship through a third generation identity card (Standard Media, 2010). The third generation identity card, introduced in 2010, would abolish the use of work permits and passports between the five member states in order to facilitate the free movement of people between borders (Kenya Citizen TV, 2010). Kenya made the most substantial progress toward this process, which was nonetheless stalled in 2012 due to a technical legality with the company contracted to produce the new identity cards (Wambugu, 2012). The third generation identity cards provide a clear example of the contradictions between the idealization of the region and the practicalities of the current situations of the nation-state.

Not only does this provide an analysis of the goals of the EAC as well as the function of the organs of the EAC, but it illuminates how the goals and the organs are being used to either forge images of democracy and legitimacy where it does not exist, examines the limitations of power, and raises questions around the issues concerning citizenship. Moreover, it illustrates how the EAC relies too heavily on its ideology and rhetoric and illustrates the limits to that idealism.
CHAPTER 5:

Conclusion

The EAC clearly shows both the uses and limits of idealism in the architecture of a regional organization with plans to become a federation of East African countries. The limits of the EAC’s idealism have been a reoccurring theme throughout this thesis. In their lofty and ambitious goals of accelerating the pathway towards an East African political entity, the Community did not take into account many of the obstacles that would hamper its success, such as the weight of colonial legacies that have created a deep commitment to national sovereignty by East African leaders, abetted by global political and ideological alignments.

Moreover, while the new EAC attempts to address a number of the issues that plagued the first EAC, like primarily focusing on economics and disregarding political integration, it still defines regionalism in rhetorical terms that do not offer a clear alternative to state sovereignty. The Community has distinguished itself for its hopes with regard to trade, informal economies, and the benefits of regional cooperation between five small and midsize countries. What has, and will continue, to hinder the practicality of an East African federation as a democratic political space is the authoritarianism of national politics, which has, if anything, been paradoxically reinforced by decades of
economic liberalization, despite the many ways neoliberalism has weakened state capacities.

**Toward An East African Identity?**

Conversations about regional, an East African federation, and the third generation identity card allude to a larger question around the creation or emergence of an East African identity as a condition to legitimize the EAC as an institution. Based on the previous discussion, it is clear that East African citizenship is an ideal that, practically speaking, will not be implemented in the foreseeable future: just because an East African identity card exists does not mean that an East African identity does. Devices like the third generation card is symbolic at best and deceiving at worst, yet it raises the question of why such an investment is placed on regional identity by leaderships that most likely do not really support it. Is the demand for an East African identity a popular aspiration, or is it just a rhetorical legitimizing device? Relevant as they are, my concluding observations on this problem are only preliminary to future research to be conducted through ethnographic analysis.

An East African identity also introduces other questions regarding benefits from a regional identity, how an East African identity is being instituted – is it a top down directive being implemented through programs by the EAC or has an East African identity already manifested itself through culture, music, and language? The implementation of a regional identity by the elites will, instead, probably have to be
counterbalanced with their need to manipulate ethnic politics for the purpose of national consolidation, despite pressure on East African leaders to ensure a smooth introduction of a regional identity that would not incite further national ethnic conflict. There is, of course, a vast difference between regional integration as a process driven for essentially economic goals and the development of a regional East African identity. The failure of the first EAC in conjunction with SAPs imposed by the IMF and World Bank perhaps also marked the collapse of alternative expectations for a regionalism whose legitimacy and identity could be anchored, with all the problems member states were facing and their already evident political authoritarianism, to panafricanism and the anticolonial struggles. One wonders whether comparable ideals are at work in current attempts to turn the East African region into a political federation.
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