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Regionalization versus National Interest in Peace and Security in Eastern Africa: the Case of Tanzania

Cross Border Insecurity in Eastern Africa: Role of Citizenship



Effective Strategies for Responding to Contemporary Conflicts in Eastern Africa

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P.O Box 24232-00502
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Tel: 254 20 388 3157/58
Fax: 254 20 388 3159
Email: info@ipstc.org
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Edited by;
Dr. MJ Kimani

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Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security architecture and has developed to be the regional Centre of Excellence for the African Standby Force (ASF) in Eastern Africa. IPSTC addresses the complexities of contemporary UN/AU integrated Peace Support Operations by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are produced annually, while the Issue Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC.

The Second Quarter Issue Brief No 4 (2014) has two titles on *Regionalization versus National Interest in Peace and Security in East Africa: The Case of Tanzania* and *The Case of Tanzania and Cross Border Insecurity in Eastern Africa: The Role of Citizenship*. The Issue Briefs provide insights into pertinent peace and security issues in the region that are useful to policy makers and aims to contribute to the security debate and praxis in the region. The articles in the Issue Brief are also expected to inform the design of the training modules at IPSTC. The research and publication of this Issue Brief has been made possible by the support of the Government of Japan through UNDP.

Brig. Robert Kabage

Director, IPSTC

Acronyms

AEC	African Economic Commission
APSA	African Peace and Security Architecture
AU	African Union
CEW	Conflict Early Warning
COMESA	Common Market for Eastern and Southern Africa
CPMR	Conflict Prevention, Management & Resolution Framework
DDRRR	Demobilization, Disarmament, Resettlement, Re-integration and Rehabilitation
EA	East Africa
EAC	East African Community
IGAD	Intergovernmental Authority on Development
MOU	Memorandum of Understanding
NCPR	Nyerere Centre for Peace Research
RECs/RMs	Regional Economic Communities/Regional Mechanisms
SADC	South African Development Cooperation
SALW	Small Arms and Light Weapons
SSA	Sub-Saharan Africa
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
US	United States
WTO	World Trade Organization

Introduction to the Issue Briefs

The topics presented in this Second Quarter Issue Brief No. 4 of 2014 focus on regionalization in East Africa (EA) and the attempts to briefly describe some components of the prevailing peace and security architecture in the region and the challenges therein. The first paper examines the forces at play between regionalization and national interests in reference to the East African Community (EAC) with a special focus on Tanzania. The second paper examines the role of citizenship in cross border insecurity in the Eastern African region.

In the first paper, *Regionalization versus National Interest in Peace and Security in Eastern Africa: the Case of Tanzania*, the author examines the forces at play between the two concepts and argues that the interaction between them hinders or enhances the effective participation of individual member states in the grouping. In sub-Saharan Africa (SSA), a majority of the countries are members of one or more regional arrangement that seek to promote economic coordination, cooperation or integration. The motivation and need to belong in such varies but the primary factor is the availability of a platform to achieve national interests. National interests vary from state to state implying that the expected benefits also are diverse. This in turn has an impact on the effective participation of any particular member, which in effect will accelerate or hinder the intended purposes or activities of the grouping.

Tanzania, a member of EAC provides a classical example. It has been variously suggested that her participation in the EAC has been severely diminished following that they perceive the process to be in conflict with their national interest. Their main concerns hinge upon national security, social and economic implications as well as cultural erosion. This implies a two-way traffic where national interest affects regionalization and vice versa. However, despite the fears, the paper notes that Tanzania has the capacity to be a confident participant as the very issues it considers as nationally important have the potential of providing the recipe for her success. These factors include political capital, demography and geography and natural resources. By adopting a clear definition and articulation of its interests, Tanzania stands the chance to benefit. The articulation of interests should be coupled with

enhancing the country's capacities in education and infrastructure as well as being more open to policies towards the Common Market Protocol alongside other commitments as stipulated by the EAC.

The second paper, *Cross Border Insecurity in Eastern Africa: Role of Citizenship*, examines the role of Citizenship on Cross Border Insecurity in Eastern Africa. with the use of the Kenya-Ethiopia border example. As all the countries in Eastern Africa are composed of many ethnic groups, the process of creating a unitary nation state has proven to be quite complex and difficult to achieve by many of the states in the region. The paper argues that insecurity incidents in the case-study countries are closely related to the issue of identity and are perceived as real threats at the societal level. Given that the state apparatus are not always able to address the security threats, different communities have little choice but to embrace and seek security through ethnic identities. As many of the communities live astride international boundaries, ethnic identifications are likely to trigger cross-border ethnic-driven conflict. For this reason, the paper author argues that it is through addressing security threats affecting communities that a sense of belonging to a nation (citizenship) is cultivated and maintained. Indeed, it is generally accepted that the concept of human security is a mandatory condition to developing a bond between people and the state. Adoption of a sustainable human security framework and approaches has the potential of addressing the various underlying causes of identity-based cross border insecurity.

Regionalization versus National Interest in Peace and Security in Eastern Africa: The Case of Tanzania

Joyce Gichuru

Introduction

Regional groupings commonly referred to as Regional Economic Communities (REC's) or Regional Mechanisms (RMs) have increased tremendously over the years. This has been especially the case with the advent of globalisation, a development that has come to be known as 'new regionalism'.¹ Thus, while the phenomenon is not new, it is the focus and intensity with which states have sought to belong to one regional grouping or another that is significant. Nearly all countries in the world now participate in at least one regional grouping.² In sub-Saharan Africa (SSA), a majority of the countries are members of one or more regional or sub-regional arrangements that seek to promote economic coordination, cooperation, integration or security among themselves. The scope of the groupings ranges from socio-economic, development, political to security considerations. The activities include the promotion of inter-regional trade; socio-economic policy coordination and management; and development of shared physical infrastructure and environment. Other issues of common interest include public governance, defense and security, among other considerations.

The different groupings in SSA are at varying stages of development and implementation of their regional arrangements. Similarly, the countries that comprise the membership of these groups are in different stages of economic and social development. The motivation and need therefore to belonging to a group will thus vary among member states. States are likely to join a grouping primarily as a platform to achieve their national interests. In other words, there is an underlying

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1. Michael Schulz, Fredrik Doderbaum & Joakim Öjendal, 2001, "Regionalisation in a Globalizing World: a comparative perspective on forms, actors and processes" London: Zed Books.
 2. Yang, Y. and Gupta, S., 2005, "Regional Trade Arrangements in Africa: Past Performance and the Way Forward" IMF Working Paper/05/36.

principle of convergence of interests or the idea of working for a common purpose and for the benefit of all members in a group. While the foregoing is true, it is also a fact that national interests vary from state to state. Hence, the motivation and reasons for states to join a grouping are likely to be different. However, the common denominator for joining a grouping is that the expected benefits have to relate with achieving the state's national interests. This in turn has an impact on the effective participation of any particular member, which in effect will accelerate or hinder the intended purposes or activities of the grouping.

Regional integration in East Africa (EA) has progressed rapidly since the revival of the East African Community (EAC) in 1998 and the entry into force of the Treaty of Partner States in 2000. The community comprises the three founding states: Kenya, Uganda and Tanzania plus Rwanda and Burundi who formally acceded to the Treaty in 2007. At the early stages, the community sought to establish a customs union, then a common market, a monetary union and move progressively to finally establish a political federation. The customs union and common market are in place but the other two are still in the formative stages. The success towards the attainment of these goals is hinged upon the effective participation of each member state. While having a certain degree of commonality the member states are unique and diverse and thus are likely to have different interests that they aspire to achieve through the integration process. Conversely, they are likely to be affected differently by the integration process as it comes with both costs and benefits. Therefore, the reasons for being part of the group as well as the process of integration herein referred to as national interest and regionalization respectively are intricately interwoven and, as well, determine the effective participation of group members. This paper seeks to identify the range of factors defining regionalization and national interests with a special focus on the relationship between the EAC and Tanzania.

Statement of the Problem

Regionalization in the EAC has been acknowledged in many quarters. Former African Union (AU) Secretary General Jean Ping in 2010 noted that the EAC was considered one of the successes of the African Economic Commission (AEC).³

3. Jean Ping speaking on Monday 8th November 2010 while chairing the Eighth Meeting of the Joint AU-RECs-ECA-AfDB Coordination Committee in Zanzibar.

However, the ratification of regional integration instruments has been faced with several challenges key among them effective participation of member states. There has been an apparent push to fast track regionalization but there also exists two opposing sub-groups among the EAC member states. One of the sub-groups favours fast tracking of the integration process towards the formation of a political federation. It argues that member states stand to benefit more owing to increased market structure, enhanced peace and security, among others. This group is composed of Kenya, Uganda and Rwanda and is loosely referred to as the ‘coalition of the willing.’ South Sudan has recently joined this coalition.⁴ The other sub-grouping favours a progressive realisation of regionalization arguing that there is disconnect between aspirations of the political elite and conditions on the ground. It avers that conditions on the ground are not yet ripe especially for a political federation. The sub-group argues that instead the focus should be on deepening existing structures such as the Customs Union and Common Market. This group consists of Tanzania and Burundi.

As such Tanzania and Burundi have found themselves isolated by attempts of the ‘coalition of the willing’ to forge ahead with integration plans albeit in a selective manner. The latter has held several summits without the other two members. They have also made major pronouncements as regards the integration process. Scholars have argued that Tanzania can be considered to be unenthusiastic about the EAC project and is the main reason why the process is slow.⁵ This assertion can be observed from several behavioral patterns. For example in February 2011, Tanzania closed the Taveta border crossing with Kenya after Tanzania, unilaterally, imposed transit levies on vehicles crossing from Kenya. This goes against the Common Market rules on free trade and movement. Another example was during a summit in Bujumbura, Burundi in November 2011 where Tanzania refused to sign the Protocol for the Establishment of the EAC political federation and the mutual defense pact, which, had to be deferred to 2012.

4. South Sudan has applied for membership into the EAC although their bid was rejected and recently participated in a summit held in Nairobi on the improvement of the Northern Corridor.

5. Salim, A., & Eyakuze, A., 2012, “Tanzania and the East African Community: From Timid Defensiveness to Confident Engagement” CLKnet Policy Brief no.3:2102 Available at www.clknet.or.tz [Accessed on 4th June 2014]

These among other cases have led to a perception that Tanzania is of the feeling that her interests are not likely to be met within the EAC framework but rather will be worse off. This in turn hinders effective participation, more so when it comes to dealing with matters of peace and security. The intensity with which the countries in the region have pursued self-interests as opposed to the obviously beneficial regional integration is examined in this paper.

Focus and Scope

The paper assesses and examines the concept of nationalism (national interests), regional integration and cooperation within East Africa in general and Tanzania in particular.

Objectives

The paper is derived from a study whose aim was:

- To evaluate the relationship between national interests and regional collaboration in EA with a special reference to Tanzania.
- To assess the factors that hinders or enhances Tanzania's participation in regional economic communities such as the EAC.
- To identify opportunities for effective participation of Tanzania in regional economic integration and conflict prevention and management in the region.

Research Questions

- What are the forces at play between national interests and regional collaborations in EA with a special reference to Tanzania?
- What are the current factors that hinder or enhance Tanzania's participation in EA Cooperation?
- What can be done to intensify Tanzania's future involvement in all regional affairs in the EA region?

Justification

The potential and actual role of the various types and levels of regional integration in economic development are well acknowledged worldwide. This obvious fact has been the basis of the growth of regional integration within the African continent. Regional integration in Africa dates as far back as the 1900 with the Pan-African movement, which led to the formation of different regional/sub-regional bodies all aimed at enhancing development.⁶ The promotion of regionalism is still an important economic and political goal in Africa. As such, there has been renewed political commitment to regional integration from governments and the private sector alike as well as the international donor community and financial institutions. Countries in the regions stand to gain enormously by pooling economies of scale especially in the face of the newly discovered natural wealth. Besides it is only pertinent that countries come together in the face of changing security dynamics where issues such as environment, terrorism, human trafficking among others can be more efficiently and effectively dealt with through the involvement of a multiplicity of players beyond national boundaries.

To date, regional integration on the continent has been faced with a number of challenges that are in some cases geographical, economic and even ideological. Tanzania is a member of several regional organizations, the major ones being the EAC and Southern African Development Cooperation (SADC). Since the second half of 2013, there has been a feeling that Tanzania was being sidelined by the ‘coalition of the willing’ that is made up of Kenya, Uganda and Rwanda in different EAC initiatives. The possible causes, nature and the consequences of the isolation and how best Tanzania can participate in regional integration are examined in this paper.

Definition of Key Concepts

In the context of this paper, the principle concepts used are regionalization and national interests whose definitions is as provided below.

6. Geda, A., & Kibret, H., 2008, “Regional Economic Integration in Africa: A Review of Problems and Prospects with a Case Study of COMESA” in Journal of African Economies, Vol. 17, Issue 3 pp.357-394.

Regionalization

The term regionalization refers to a process through which governmental polities, civic society and the corporate sector share interests and combines resources to agreed common ends at the regional, as distinct from the national or global level.⁷ Regionalism can be argued from two perspectives, namely: the objective and method.⁸ The objective comprises the consciously articulated end state, which the regional constituency aspires to attain. Generally the objective of regionalism can be viewed as total or partial. The former implies that there is expected a political union in which formerly separate and discrete or sovereign entities unite into one. On the other hand the latter is confined within more delineated and focused parameters mainly in the security or socio-economic areas.

The method to attain either objectives usually takes two procedural forms namely cooperation or integration. Depending on the scale involved, security regionalism is usually confined to cooperation among sovereign states, although it can envisage integration. On its part, socio-economic regionalism may commence with cooperation (free trade agreements) but usually proceeds beyond this to integration (common industrial base, customs union, labour mobility, fiscal and monetary union). In addition, socio-economic integration may serve as a prelude to an intended political union (defence and foreign policy, ultimately a confederated state), or it may be an end to itself. A case in point is the objective by the EAC to form a political federation by the year 2016.⁹

Universally, the definition of the term regional organization has never been formalised. This follows from the United Nations (UN) Charter, which does not explicitly define the term ‘region’ maybe as a way to avoid being self-restrictive.¹⁰ A definition advanced during the San Francisco conference in 1945 and voted down however, gives a good conceptual notion that may suffice:

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7. Grugel, J., & Hout, W., 1999, “Regionalism across the North-South Divide: State Strategies and Globalization” London: Routledge pp.25.
 8. Graham, K., 2005, “Regionalism and Responses to Armed Conflict, with Special Focus on Conflict Prevention and Peacekeeping” UNU-CRIS Occasional Paper 0-2005/21.
 9. The EAC Treaty is not explicit about the deadlines to achieve its objectives, but leaves it to its various organs to determine. As such the date set by the EAC Head of States Summit in 2013 is 2016 in which certain activities must be undertaken. However, in practice, such deadlines are difficult to achieve.
 10. Hurrel, A., 1995, “Explaining the Resurgence of Regionalism in World Politics” in Review of International Studies, 21(4) pp. 545-566.

There shall be considered, as regional arrangements, organizations of a permanent nature grouping in a given geographical area several countries which by reason of their proximity, community interests or cultural, linguistic, historical or spiritual affinities make themselves jointly responsible for the peaceful settlement of any disputes which may arise ...as well as for the safeguarding of their interests and the development of their economic and cultural relations.¹¹

The UN then envisaged the engagement of state actors organized in regional arrangements and agencies in the maintenance of peace and security within their geographical territories.¹² The Organization of African Unity (OAU) Charter and the Constitutive Act establishing the AU define regional integration as one of the foundations of African Unity. The Lagos Plan of Action and Abuja Treaty provide the specific economic, political and institutional mechanism for attaining African unity. It also establishes the African Economic Community (AEC) in which states were stratified into geographical regions. It is this very framework that has applied in the African Peace and Security Architecture (APSA).

Scholars are still divided on the actual contribution of regional/sub-regional¹³ organizations but there seems to be consensus that these arrangements enjoy relatively more comparative advantages; for example, when it comes to the management of security challenges within their localities as opposed to interventions by international actors.¹⁴ The advantages of the sub-regional organizations include proximity to the trouble spots and as such a better understanding of the specific dynamics of the prevailing security threats, the key players and the requisite context-specific options for the management and resolution of the conflicts.

11. Russett Bruce, 1967, "International Regions and International System: Study in Political Ecology" Chicago: Rand McNally & Co p.4.

12. Article 52 of the UN Charter.

13. The term region has been defined in many ways but for the purpose of this study and as acceptable internationally the regions are classified along continental lines giving rise to five regions namely Africa, Americas, Asia, Europe and Oceania. As such any other regional grouping formed within these five is referred to as a sub-regional grouping. Thus Africa is further divided into Eastern, Central, Northern, Southern and Western sub-regions.

14. Hurrel (1995), pp. 544-566.

National Interest

The concept of national interest is more often than not used in foreign policy as a way of giving reasons as to why states behave as they do. From a state-centric point of view, national interest should be the only determinant of a state's relationship with others.¹⁵ Former United States President, J. F. Kennedy, stated that every nation determines its policies in terms of its own interest.¹⁶ However, these interests need to be defined and this is done through a political process, which tends to be very subjective.¹⁷ As such what constitutes national interests of any state vary but primarily fits within the categories of security (defense and national security); economic (trade, industrial base, investments); national ideology/image/prestige/status; and religion/ fundamentalism/culture.

Henry Kissinger (2001) defines a broader illustration of national interests, which is likely to have an effect on the relationship between a state and others or its effective participation in a regional grouping.¹⁸ National interests are classified into three categories namely: first core national interests relating to the physical survival of state and have to do with sovereignty and national territorial integrity. This relates to issues of defense and national security. Second core national interests, relates to the economic well being of citizens; and, third core national interest which relates to survival of the political and cultural view or what is referred to as nationalism. This implies therefore that for any state to conduct any relations with another, they will have subjectively defined what is to their interest and will develop mechanisms to achieve the same.

15. Goldstein, J., & Pevehouse, J. C., 2014, "International Relations: 2013-2014 Update, Tenth Edition" New York: Pearson Longman pp.47.

16. Condoleezza, R., 2008, "Rethinking the National Interests: The New American Realism" in American Foreign Policy Review, Available at www.foreignaffairs.org Accessed on 13th June 2014.

17. Joseph, S. Nye, 1999, "Redefining the National Interest" Foreign Affairs, Volume 78, Issue 4, July/August 1999..

18 Henry Kissinger, 2001, "Does America Need a Foreign Policy? Towards a New Diplomacy for the 21st Century" New York: Simon & Schuster Paperbacks.

The Link between National Interest and Regionalization

Regionalization requires that a state has relations with others both within a bilateral and multilateral context. Hans Morgenthau (1978) argues that a state must have the *raison d'être* to engage with others and this is defined as the national interest.¹⁹ Thus, national interest becomes an important driving force behind regionalization. It determines the extent of participation within the grouping as well as the effectiveness of that participation.

For a country to participate effectively in any regionalization scheme, two critical issues can be underscored: the ability to effectively promote its national interests and ensure a balanced impact of the scheme; and, the overall effectiveness of the integration process as a whole.²⁰ The latter implies that the viability and net benefits of the integration system depends on the capacity of each member state. Scholars argue that in this regard, an integrated regional chain is only as strong as its weakest national link.²¹

Thus, effective participation of any member state is dependent on its national situation vis-à-vis that of other member states. At any point of the integration process that a country feels unable to meet its obligations or accrue the benefits of regionalization then its national interest will be threatened. Most regional organizations have circumvented this problem through gradual conformity schemes. For example the World Trade Organization (WTO) has differential time conformities depending on the country classification, during which countries are expected to undertake certain measures to allow for conformity. This has also been the case within the EAC where member states are expected to adhere to their commitments at different times depending on their abilities. Despite this however, effective participation is still hindered when countries view a scheme as being a threat to their national interests.

19. Morgenthau, Hans J., 1978, "Politics among Nations: The Struggle for Power and Peace, Fifth Edition, Revised" New York: Alfred A. Knopf.

20. Best, E., n.d "Regional Integration and National Adaptation: Some Observations from European Experiences" Available at www.cepal.org/.../BEST [Accessed on 4th June 2014]

21. Ibid., pp.2

Evolution of the East African Community (EAC)

The EAC is the regional intergovernmental organization of the Republics of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. The sub-region is historically known to have one of the longest experiences with regionalization. This goes as far back as 1918 when Kenya and Uganda then under colonial rule operated a Customs Union. Tanzania, then known as Tanganyika, joined the two in 1922-1927. Owing to its long history, regionalization in EA is best described in phases: 1948-1961 when there was the EA High Commission; 1961-1967 which featured the EA Common Services Organization; 1967-1977 with the existence of the EAC; 1977-1990s which witnessed the negotiations for division of assets and liabilities of the defunct community followed by efforts to revive the EAC; 2000-to date with a revived EAC.

The EAC before its collapse in 1977 had achieved a lot by way of integration in several areas. These included the operation of common services in the railways; harbours; posts and telecommunications; and, the airways sectors. There were also joint research institutions, a common customs administration authority and the East African Development Bank (EADB). This last institution survived the collapse and exists up to date. Several reasons have been advanced to explain the collapse including political, ideological, administrative and economic factors. One of the main factors was the assertion that member states appeared to protect their vested interests at the expense of the Community.²² Moreover it was argued that there was low private and civil society involvement as well as lack of a people driven decision-making process.²³ The framers of the new EAC thus alluded to the need to include private and civil societies as well have a people driven process.²⁴ The collapse was also attributed to the inequalities in the sharing of the costs and benefits of integration and the lack of compensatory mechanisms for addressing disparities; the governance challenges, including lack of mechanisms to address corruption, non respect for the rule of law, impunity and government's high handedness; and foreign

22. Shao, Ibrahim, 2002, “Introduction to the Draft Treaty for the Establishment of the East African Community,” in Sengendo E. Mvungi (ed.), *The Draft Treaty for the Establishment of the East African Community: A Critical Review*, Dar es Salaam: Dar es Salaam University Press, pp.1-17.

23. Ibid., pp.17.

24. Kiondo, Andrew S., 2002, “Political Analysis of the Draft Treaty for the Establishment of the East African Community,” in Sengendo E. Mvungi (ed.), *The Draft Treaty for the Establishment of the East African Community: A Critical Review*, Dar es Salaam: Dar es Salaam University Press, pp.18-34.

influence and interference fuelled by economic exigencies.²⁵

The current EAC was inaugurated in 2001 after the Treaty entered into force on July 2000. By then it composed of the Republics of Kenya and Uganda and the United Republic of Tanzania. It is worth noting that when the Partner states undertook to revive the EAC they began with a model of identifying areas for which they could cooperate giving rise to the publication of the First Development Strategy (1997-2000). The Second Development Strategy (2001-2005) was then launched after the inauguration of the EAC with its main focus being the prioritization of areas of cooperation. In June 2007, the Republics of Burundi and Rwanda ascended without reservation to the Treaty. The EAC is currently implementing its fourth Development Strategy (2011/12 – 2015/16) whose aim is to deepen and accelerate integration. Rosamond (1999) identifies David Mitrany's theory of functionalism that argues that the process of collaborating in narrow technical or functional areas will spill over into other social and economic fields and eventually to more sensitive political areas as applied by the EU.²⁶ The EAC integration has borrowed a lot from the EU approach.

The vision of the EAC is to have a prosperous, competitive, secure and politically united region. Article 6 of the Treaty provides for fundamental principles to guide integration. These principles include mutual trust, political will and sovereign equality; peaceful co-existence and good neighbourliness; peaceful settlement of disputes; good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and Peoples' Rights; equitable distribution of benefits; and cooperation for mutual benefit.²⁷ To this end the EAC partner states have established a Customs Union in 2005 and launched a Common Market in July 2010. The East African Monetary Union (EAMU) and Political Federation are still in the formative stages.

25. EAC, 2008, Progress, Achievements and Benefits of the East African Community, EAC Update, pp.1-31.

Refer also to Kiraso, Beatrice B. 2009. "EAC Integration Process and the Enabling Peace and Security Architecture," address at the EAC Peace and Security Conference- Kampala, Uganda, 5th October.

26. Rosamond, B., 2000, "Theories of European Integration" New York: Macmillan, pp.15.

27. Article 6 of the EAC Treaty.

Peace and Security Architecture in the EAC

Sub-regional organizations are considered to be the essential building blocks and implementation agencies of the AU's many programmes, including the African Peace and Security Architecture (APSA). This cooperation ensures that the AU not only profits from the regions' comparative advantage in military and security matters, but also from their experience with peace operations on the continent. Further, their established frameworks and mechanisms for conflict prevention, management and resolution grant them a significant stake and a central role in the AU peace and security processes. Under this approach, the primary responsibility for peace and security remains squarely with the RECs/RMs, while the AU serves as an authoritative clearinghouse and framework for all initiatives.²⁸ Sub-regional organizations are expected to set up APSA structures at their levels, which work, in sync with equivalent structures at the AU level.

While the EAC mainly began as a regional economic bloc, it has not been blind to the fact that its member states are facing significant peace and security challenges.²⁹ Indeed, the region is faced with real and potential threats to peace and security both at the national and inter-state level. Of significance as well is that over the last two decades, the regional security dynamics have revealed that although inter-state conflicts do exist, intra-state conflicts pose the most serious challenge, with governance being the most prominent source of grievances.

Unemployment and under development have also created fertile grounds for recourse to crime and other ills. Degradation of the environment, climatic change and competition for the meagre natural resources are other emerging sources of concern for human security. The region further faces new generation threats that include maritime piracy, terrorism, cyber crime and identity theft, counterfeiting, money laundering, drug and human trafficking.³⁰ Additionally, each of the member states has unique conflict problems that tend to have a spill over effect. For example, Uganda is still dealing with the menace of the Lord Resistance army, the effects

28. Oloo, A., 2008, "Regional Institutions and the Quest for Security in the Horn of Africa" in Mwagiru, M. (ed) Human Security: Setting the Agenda for the Horn of Africa. Nairobi: Africa Peace Forum. pp 201-236.

29. Hon. Beatrice B. KIRASO, Deputy Secretary General, East African Community Speech at the EAC Peace and Security Conference – Kampala, Uganda, 5th October 2009, pp. 1.

30. Ibid. 2009. pp 8-9.

of long-running civil wars and genocide are still evident in Burundi and Rwanda; while Tanzania still faces challenges in the Northern part due to resource based conflicts between the pastoralists and farmers. This has also been aggravated by the pastoralists' complaints of human rights abuses and land grabbing fuelled by the lucrative tourism industry.³¹ In Kenya, the wounds of the 2007/2008 post-election violence are yet to heal. The region is also facing terrorists' threats in the form of Al Shabaab that has successfully launched attacks especially in Kenya, Tanzania and Uganda. Moreover, cross border insecurities especially arising from cattle rustling and resource conflicts continue to manifest themselves. In addition the EAC neighbour countries are undergoing one form of conflict or other as witnessed in the Horn and Great Lakes region. These threats pose a destabilising effect especially to the social and economic development goals of the EAC.

The EAC outlines its vision as 'to have a prosperous, competitive, secure and politically united East Africa. For this to be achieved there must be a structured security arrangement that can create the right environment for integration initiatives, capable of protecting the gains made. One of the main objectives of the EAC under Article 5 (3) (f) is to promote peace, security and stability within, and good neighbourliness among the Partner States. This implies that the community views peace and security as a pre-requisite to successful integration. Towards achieving this, Chapter 23 forms the legal basis of EACs security regime. It provides for the establishment of an institutional framework that will deal with issues of peace, security and conflict resolution. Articles 123, 124 and 125 elaborate the measures necessary to facilitate a predictable and secure environment³². There is also recognition of the need for synergy between Defence, Foreign Policy, Political Affairs and law enforcement and their mutually reinforcing linkages to all stages of the EAC's integration.³³

When the EAC Treaty came into force in 2001, a regional peace and security strategy was also adopted in the same year. The strategy identifies fourteen (14) goals, which are to: Enhance the exchange of criminal intelligence and other

31. Tourism Concern, 2012, "Maasai Land Conflict in Tanzania Sparks Online Campaign against Thompson Safaris" Posted 4th November, 2012 Available at www.tourismconcern.org.uk [Accessed on 2nd August 2014]

32. EAC Treaty

33. Kiraso, 2009 pp. 28

security information between partner states; Enhance joint operations and patrols; Install common communication facilities for border and interstate security; Adopt the UN model law on mutual assistance on criminal matters; Implement protocol on combating illicit drug trafficking; Exchange visits by security authorities; Exchange training programs for security personnel; Establish common mechanisms for the management of refugees; Establish regional disaster management mechanisms; Formulate security measures to combat terrorism; Establish measures to combat cattle rustling; Establish measures to combat proliferation of illicit small arms and light weapons; Develop mechanisms to combat security challenges on Lake Victoria; and Develop a mechanism for conflict management and resolution.³⁴.

The EAC has and is implementing some of these programs. This includes the Small Arms and Light weapons (SALW) control; forum to address security challenges on inland water bodies and the Indian Ocean including piracy; harmonisation of policies and standards in the police and correctional services through inter-state security sectoral council; harmonised intelligence gathering through regular meetings of the Chiefs of Intelligence; and conclusion of a Peace and Security Protocol which was signed in 2013 and is awaiting ratification by the member states. Within the wider Eastern Africa region, Police Chiefs Cooperation Organization (EAPCCO) came up with the Protocol on the Prevention, and Combating and Eradication of Cattle Rustling in Eastern Africa.³⁵ The parties committed to undertake public awareness programmes, ensure the development of pastoral and other affected communities and conducting joint operations across borders among other activities.

The main aspect of the Peace and Security Protocol is the establishment of a Conflict Prevention Management and Resolution Framework (CPMR) which contains: Conflict Early Warning (CEW); Negotiation, Mediation and Good Offices; Peace Support Operations; Demobilization, Disarmament, Resettlement, Reconstruction and Rehabilitation (DDRRR); Peacebuilding; and Establishment of a Peace Fund. This framework is modelled along the AU's APSA but attempts to be more ambitious on paper. However, its implementation is another matter altogether.

34. East African Community, Peace and Security: Sector Priorities Available at <http://www.eac.int/security/index.php> (Accessed on 5th June 2014)

35. Protocol on the Prevention, and Combating and Eradication of Cattle Rustling in Eastern Africa, Available at <http://www.issafrica.org> (Accessed on 5th July 2014)

The CEW Mechanism has been developed and is to be located at the EAC secretariat at Arusha, Tanzania with National Centres in each Partner State. However it is not yet operational and its work is expected to parallel that of the Intergovernmental Authority on Development's (IGAD) Early Warning System. The effect of this duplicity is yet to be identified but it is expected to be in conflict.³⁶

The EAC also cooperates with other organizations such as the UN, AU, other RECs/RMs, international non-governmental organizations (INGOs) and other civil society organizations in matters of peace and security. Some of the practical activities carried out include commemorating the AU 2010 Year of Peace in Africa. During this day 1,000 and 2560 illicit arms in Bujumbura and the Tanzania/Burundi border respectively were destroyed. This was part of an on-going process in which 170,000 SALW and 300 tonnes of explosive remnants have been destroyed in the region.³⁷ There has also been cooperation with the UN Office on Drugs and Crime (UNODC). For example in June 2010, EAC member states in conjunction with UNDOC met in Vienna, Austria to develop a framework for preventing and combating cybercrime.³⁸

Cooperation in defence and security matters set the pace for the integration process in 1998 when the pioneer states signed a Memorandum of Understanding (MOU) for Cooperation in Defence Matters. Article 125 provides for the development of a common defence policy. Discussions have been on-going to upgrade the MOU into a protocol and are expected to lead to a common defence pact. The sector has been conducting joint command posts and field training exercises. There also exists a defence liaison unit at the EAC secretariat in which an officer of the rank of a colonel represents each member state. The EAC has also established the Nyerere Centre for Peace Research (NCPR) in Arusha with the objective of conducting empirical and policy oriented research.

36. Jacobsen, K., L. & Nordby, J., R., 2012, "East Africa: Regional Security Organisations and Dynamics" DISS Policy Brief, Copenhagen: Danish Institute for International Studies

37. E~EAC Newsletter "EAC Partner States Inter-State Security Ministers Meet in Bujumbura" EAC Update Issue No. 34, 30th April 2010. Available at http://www.eac.int/news/index.php?option=com_docman&task [Accessed on 5th July 2014]

38. Available at www.unodc.org/unodc/en/frontpage/2014/June/east-africa-tackles-cybercrime.html [Accessed on 5th July 2014]

The Centre is engaged in capacity building in Conflict Prevention, Mitigation and Resolution (CPMR) through research and training in order to enhance peace and security and regional integration and development among other initiatives.

In tandem with the peace and security architecture has been the development of regional political affairs and foreign policy coordination. The EAC is in the process of developing the Protocol on Good Governance; harmonization of democratization processes; negotiation of a Manual for Election Monitoring, Observation and Evaluation; adoption of a Plan of Action on Promotion and Protection of Human Rights, and developing a Protocol on Combating and Preventing Corruption. The EAC also has an operational Court of Justice whose mandate is in the process of being broadened and strengthened. There are also forums that bring together the different players in the Judiciary and law reform sectors. The Member States have also been operating under a MOU on Foreign Policy Coordination and are in the process of upgrading it to a Protocol.

These achievements look quite impressive as was outlined by various speakers during the EAC tenth year anniversary.³⁹ However, the implementation and coordination of integration have proven to be a challenge to the community. This is due to issues such as capacity constraints including human and financial resources but more importantly, mobilising political will and commitment. While the Treaty was not explicit on the timelines for accomplishing most of the activities, it does give the Summit the authority to determine when to begin and conclude any integration activity. This is where political will and commitment have played an important role as the effective participation of member states impacts on the outcome. Moreover, this and other factors such as cultural diversity, imbalanced regional development and national interests have been found to hinder integration.⁴⁰ Since all member states are not homogenous and view the EAC as meeting different interest there is therefore occasional tension between the states and the regionalization process. The next chapter identifies these tensions with special reference to Tanzania, which, has been viewed to prefer a slower progress towards realization of these goals thus leading to an impasse.

39. Hamud R., Davoodi (ed.), 2012, “The East African Community after Ten Years: Deepening Integration” EAC Conference Proceedings on February 27-28, 2012.

40. Onditi, O. Francis, 2010, “Development or Security? The Dilemma of Policy Prioritization, Institutional Coordination Sequencing of Integration in the EAC” Nairobi: IPSTC, pp. 16-18

The Forces at Play between Regionalization and National Interests

The previous chapter has outlined a very elaborate and successful development for integration in East Africa and has also identified challenges to the process. Some of the challenges are similar to those that led to the collapse of the first EAC (1967-1977). Although history is not likely to repeat itself in the near term, the EAC is indeed experiencing strains that are likely to slow down the integration process. At the root of the current controversy are national interests and competing conceptions of the community's future. Three of the community's members (Kenya, Uganda and Rwanda) are pressing for a drive towards greater and speedy economic and regional integration in the near term, while the other two members (Tanzania and Burundi) wish to move more slowly. In September 2013 the three members formed a bloc within the EAC that left out Tanzania and Burundi. This bloc is referred to as the 'coalition of the willing'⁴¹ Subsequently, the bloc has held three Summits ostensibly to deal with issues of infrastructure but which have significant implications on the overall integration process within the EAC.

The requirements of the community are such that the partners must inform one another when making any form of decisions that relate to the integration process.⁴² As such, Tanzania within its rights, requested the Chairperson of the EAC Council of Ministers in November 2013 to provide a report on the activities of the three members.⁴³ Clearly, this implies that there are divergent thoughts on how the integration process should proceed within the EAC with Tanzania opting for a slow and measured process as opposed to the view by the 'coalition of the willing' that favours an expedited process.

Given this background, the question then is why members would forge ahead with integration plans devoid of the presence of other members. In group dynamics, it is argued that members project their displeasure over an issue in many ways and over

41 The bloc has also co-opted South Sudan into their activities arguing that South Sudan is critical to their ambition of developing a Northern transport corridor.

42 Article 6 of the EAC Treaty.

43 Daniel K., Kalinaki, 2013, "EAC States Pull in Different Directions as Dar is Isolated" Africa Review, Sunday September 1, 2013.

a period of time.⁴⁴ Using this assumption it can be argued that the exemption of Tanzania arises from its actions over a period of time, which, has been construed to mean that the country is not keen with the integration process. For this argument to hold it is necessary to look at Tanzania's actions over the period of integration in order to identify when the disparities started.

The first sign that things were not in sync appeared in 2004 when member states felt that there was need to fast track the political federation. A national consultative mechanism was initiated in the Member States in 2006-2008 to identify the receptiveness of the integration process among the citizens. The Report from Tanzania was unique in that while the citizens overwhelmingly supported the integration and the political processes, only 24.5% were in favour of fast-tracking the process.⁴⁵ The citizens were particularly concerned that certain issues needed to be addressed prior to the set up of a political federation. This was in contrast to other member states that favoured a speedy implementation. The issues that informed the Tanzanian stand included the question of land, fear of domination of the economy by the more advanced states like Kenya and the loss of cultural identity among others. The difference in opinion was evident when a Tanzanian journalist, acting on his own behalf, took the EAC secretariat to the East African Court of Justice (EACJ) in May 2012. The argument was that the EAC secretariat was acting contrary to the Treaty by undertaking to act on the Bujumbura Communiqué which among other things had alluded to the need to come up with a report on fast-tracking the political federation.⁴⁶

While these were the perceptions of the ordinary citizen, actions undertaken by government also indicate reluctance towards the integration process. On December 2011, Tanzania slapped a 25% tax on Ugandan imports contrary to Customs Union rules.⁴⁷

44. Bruce Clifford Ross, 2006, "Assessing Regional Integration in Africa" Addis Ababa: Economic Commission for Africa.

45. EAC, 2008, Summary of the National Consultations Report for Kenya, Uganda and Tanzania

46. James Thuo Gathi, 2011, "African Regional Trade Agreement as Legal Regimes" Cambridge: Cambridge University Press pp.195.

47. Henry Zakumumpa, 2011, "Is Tanzania's Reluctance Wrecking East African Community Project?" Daily Monitor, Friday December 30, 2011.

To make matters worse in February 2012, there was a temporary closure of the Taveta border crossing between Kenya and Tanzania.⁴⁸ This occurred as a result of a decision by the local authorities in Tanzania to impose a vehicle fee of \$200 on motorists entering from Kenya. This action was contrary to the Common Market Protocol whose main aim is to reduce barriers to trade within the EAC. In May 2011, Tanzania announced a six-month ban on non-government exports of maize and grains due to unregulated border trade.⁴⁹ This ban caused furore especially in Kenya as it caused food shortages that led to increased inflation rates in the country. In retaliation Kenya banned the export of seeds from parts of Western and Rift Valley.⁵⁰ Tanzania later lifted the ban in October 2011 but a ban on the export of sugar still remains to date.

During a Summit in Bujumbura, Burundi in November 2011, Tanzania refused to append its signature to the proposed establishment of the EAC political federation and the mutual defense pact. It is reported that Tanzania dramatically left its seat at the meeting citing several concerns such as the inclusion of land in the draft.⁵¹ However, several days later Tanzania appended her signature to the report to fast track the EAC integration process.⁵² The mutual defence pact was deferred to 2012 but it was still felt that Tanzania would not sign it especially following comments attributed to the Minister of EAC affairs that "...there are certain circumstances that do not make sense. Why should you help your neighbour when he is the aggressor?"⁵³

The Tanzania High Court ruled against the East African Development Bank (EADB) in a suit filed by Blueline Company in 1999. The company was awarded damages amounting to \$137 million, an action that almost crippled the bank. The EAC Treaty provides that member states should not allow the attachment of EAC assets and as such the ruling was in contravention to this provision. However, the Court of Appeal later overturned the judgement but the image of Tanzania

48. Aggrey Mutambo, 2012, "Rules and Levies Nightmare at Kenya Tanzania Border" Daily Nation, Monday February 27th, 2012.

49. Odhiambo, A., 2011, "Tanzania exports ban herald rise in EA maize prices" The Citizen. May 21, 2011.

50. Luke Anami, 2011, "Tanzania ban on maize exports to stay, minister says" The Standard, Tuesday August 23rd, 2011.

51. Faraja Mgwabati, 2011, "EAC bows to demands by Tanzania" Tanzania Daily News, December 2, 2011.

52. Barasa, L., 2010, "Tanzania signs EAC integration pact" The Citizen, December 1, 2011.

53. Salim, A., & Eyakuze, (2012).

among the other member states was already dented. There have been other issues regarding the non-compliance to the common market protocol and customs union that Tanzania has been accused of. For example, there has been a crackdown on immigrants who are forced to seek work permits at costs way above what other member states charge.⁵⁴ The duration within which the documents are obtained is five months thus immigrants have to leave the country or face arrest in the interim period. Tanzania has also been accused of expelling Rwandese and Burundian nationals who had lived in the country as refugees for a very long time.⁵⁵ Tanzania has also been accused of sending low cadre representatives to the EAC meetings and committees. These delegates do not have the capacity to meaningfully engage in discussion with the other Partner states and nor are they mandated to commit their country.⁵⁶

Finally, the intervention of Tanzania in the Democratic of Congo (DRC) conflict even though sanctioned by the UN Security Council resolution 2098 (UNSCR 2098) in 2013 was not viewed positively within the EAC. The mission was mandated to use force against the rebel groups involved in the DRC conflict. Thus, the discomfort with Tanzanian involvement by the other member states of the EAC arose from two aspects, first, was that Rwanda and Uganda were already involved in the conflict and as such, there was a likelihood of a crossfire exchange between member states; secondly, the spill over effects of the conflict and engagement in the DRC was likely to affect the EAC region and thus jeopardise relationships between the member states.

To arrive to the situation where it is felt that Tanzania was being left out in matters of the EAC, it can be argued that there had been a pattern observed by the other member states in regards to her commitment to the integration process. In 1967, Joseph Nye, noted that, “Economically, Tanganyika (today Tanzania) might have gained from federation, but she has less to gain Kenya or Uganda and was the most capable of going it alone”.⁵⁷ This was in reference to the formation of the

54. Henry Zakumumpa (2011).

55. Christine Mungai, 2013, “Tanzania expels EAC immigrants, hikes fees” The East African September 21, 2013.

56. George F. Ward Jr., 2013, “East Africa Community: Coming Apart of Coming Together” IDA/Africa Watch Volume 2, October 31st 2013.

57. Joseph S. Nye, “Pan-Africanism and East African Integration” Massachusetts: Harvard University Press, 1967 pg. 204.

first EAC. Historically, it is noted that Nyerere⁵⁸ and Nkrumah⁵⁹ differed on how to achieve African unity at the time of independence. Nkrumah favoured an immediate creation of a united African state while Nyerere preferred a stage-by-stage approach, in particular using sub-regional organizations as building blocks to continental unity.⁶⁰ This would imply that Tanzania was in support of the formation of strong regional groupings and actively participated in the integration processes. However, in later day, it would appear like Tanzania has slowed on its commitments contrary to the dream Nyerere had in mind at independence.

The reasons behind actions by Tanzania may stem from the fact that they either have nothing or everything to lose when engaging in regional integration. It might also be that the country does not see its national interests reflected in the integration endeavour. As such the objectives of regionalization in the EAC are in conflict with her interests and thus participation in the process is not beneficial to the country.

The Bone of Contention

The question therefore that arises is to what extent Tanzania's national interests has a bearing on regionalization such that it is likely to have an impact on its citizens' welfare. From a nationalistic perspective, the decisions made above cannot be viewed as wrong, in fact they are justifiable. According to the realist view, it is in the interest of every state to protect itself and not to wait upon others to do so.⁶¹ This is in contrast with the liberal thinking, which assumes that by being enjoined in groups, the rules and regulations will somehow bind members, and in the end there will be the attainment of the common good of all members in the group.⁶²

Tanzania's cautious stand if argued from the realist thinking does make sense even though it totally contradicts the spirit of regionalization, which stems from the liberal thinking. The question is what are these interests that Tanzania seeks to protect to the extent of slowing or stopping the integration process. Previously in this paper it was argued that national interests can be viewed as economic, political, national security

58. Mwalimu Julius Nyerere was the President of Tanzania at the time of independence in 1963.

59. Kwame Nkrumah was the President of Ghana at the time of independence in 1957.

60. Franke, Benedikt. 2008. "Africa's evolving Security Architecture and the Concept of Multilayered Security Communities," in Cooperation and Conflict, 43 (3): 314-340.

61. Rosamond, B., (2000) pp.15.

62. Ibid., p. 34.

and defence, or cultural/ideological in nature. This in turn determines a country's foreign policy or its behaviour towards others. As far as Tanzania is concerned the EAC integration process impinges on a number of her interests rather than protect them.

To begin with, the Protocol on Mutual Defence was finally signed in 2012. However, the initial resistance by Tanzania to the Protocol arose from one of the clause in which members were required to 'assist one another' in time of war.⁶³ Under the protocol, an attack on Kenya, Tanzania, Uganda, Rwanda or Burundi would be considered an aggression against all members. Effectively this means that one country going to war enjoins the other EAC members. There was apprehension that Tanzania would be drawn into unjustified wars, which, according to them might be initiated by belligerent members.⁶⁴ This explains the reason why there was reluctance to sign the mutual defence pact in 2011.

Besides, Tanzanians feel likely to have their political stability tested by joining the EAC political federation. A study conducted in 2006 shows that most citizens are afraid that their country risks being infected with ethnicity problems that characterize the politics in Kenya, Uganda, Rwanda and Burundi.⁶⁵ The citizens argue that since democracy and governance problems in these member states have not been caused by Tanzania, then the solutions lie with the countries themselves. On the contrary other EAC member states feel that by coming together in a political federation, there is a likelihood that the impact of such conflicts would be reduced as the focus would shift to an East African identity.

The Tanzanian stand and perceptions were viewed negatively by other member states. Indeed, the Minister of the EAC in Tanzania while responding to the issue of reluctance to endorse the Report on the Establishment of the Political Federation and Defence Pact noted that "...Why should you help your neighbour when he is the aggressor."⁶⁶ This comment did not go down well with other member states

63. Christabel Ligami, 2014, "Sharp differences emerge over structure, timing of EAC political federation" The East African, Saturday May 3rd 2014.

64. Salim, A., & Eyakuze, A., (2012).

65 Kasaija Philip Appuli . 2006. "Fast Tracking East African Federation: Asking Difficult Questions. Paper Prepared and Presented at a Development Network of Indigenous Volunteer Association (DENIVA) Public Dialogue on Fast Tracking Eat African Federation Dialogue, Kampala: November 24, 2006.

66. Salim, A., & Eyakuze, A., (2012).

as the implications were that they always get into trouble and Tanzania did not want to be drawn into conflicts with leaders they consider irresponsible. Former US Ambassador to Namibia George F. Ward argues that Tanzania's position is vindicated by the fact that the country is considered to be more democratic by the international community. For example, the visit by the US president, Baraka Obama to Tanzania in 2013, he avers was an indicator of the respect Tanzania commanded and as such it was unlikely to feel apologetic for its opinion in regards to the belligerence of other EAC member states.

Under these circumstances and despite the signing of the defence pact, the ratification process has dragged on with only Uganda, Rwanda and Kenya having officially notified the EAC secretariat as per the February 2014 deadline. In parallel the 'coalition of the willing' on January 2014 in Kigali, Rwanda, signed a common pact on the establishment of the Mutual Defence, Peace and Security.⁶⁷ One of the key aspects of the pact was the use of one tourist visa to enhance cross border movement. They argued that the EAC Treaty under Article 7 acknowledges the principle of variable geometry, which allows for progression in cooperation among a sub-group of members in a larger integration scheme in a variety of areas and at different speeds. However, under the article, member states that wish to progress faster are still required to notify the other members, which Tanzania contends has not been done.

Another issue of contention by Tanzania is the land issue, which hinges upon many aspects of the integration process. During the drafting of the Treaty of the EAC in the late 1990s, Tanzania was categorical on the issue of land as a factor that should be left out. As such, it was agreed that the question of land continue being handled at the national level and only be a subject in future negotiations. This arises from the fact that Tanzania has vast tracts of unused land given its low population density compared to the other members (see Table 1). In addition, land tenure systems among the member states were different from that of Tanzania that embraces a public as opposed to a private tenure system.

67. Christabel Ligami, 2014, "New EAC security protocol set to fight terror, crime" The East African, Saturday January 18, 2014.

Table 1: Physical and Social Indicators of the EAC

Country	Total Surface Area 1000 sq. km.	Population in Millions	Population Growth Rate %
Burundi	26	8	2.7
Kenya	583	38	2.7
Rwanda	26	10	2.6
Tanzania	939	40	2.9
Uganda	242	31	3.2
EAC (total)	1,818	127	3.4

Source: EAC (2009)

At the time Tanzania felt that citizens from other countries would occupy their land due its availability and the capacity of the outsiders whereas it would be difficult for Tanzanians to settle in other member states. Their argument was that if countries like Kenya were unable to deal with internal land issues then they would easily project the problem regionally.⁶⁸ At the time Kenya was dealing with conflicts arising from historical land issues where the original inhabitants in areas such as the Coast and the Rift Valley were evicting perceived foreigners.

The land issue is also related to immigration and labour market issues. The Common Market Protocol under Article 13 on Rights of Establishment and Residence gives rights to the nationals of partner states to take up and pursue economic activities as a self employed person in the territory of another partner state.⁶⁹ This clause in itself was still viewed as contentious by Tanzania as they argued that it would encourage free movement of people thereby increasing the number of immigrants. To deal with this, Tanzania charges US\$2000 for a work permit which is considered prohibitive. As such citizens from other member states end up working and living in the country illegally. The situation was acerbated when Tanzania deported over 4,000 Ugandan and Rwandan (illegal) migrants in October 2013.⁷⁰ Around the same time, the Tanzanian President, Jakaya Kikwete, is reported to have made remarks to the effect that the Kigali government should negotiate with Hutu rebels in Eastern

68. Col. Jackson J. Mwaseba, 2010, “Proposed Political Federation of East African Countries: ‘Benefit’ To Tanzania” U.S. Army War College.

69. Christabel Ligami (2014).

70. Rob Wilson, 2013, “Feet Dragging, Fast-Tracking and Freedom of Movement: Where Now for the EAC?” Think Africa Press, 26th November, 2013.

DRC.⁷¹ This was in reference to the Rwandese rebel groups operating in Eastern DRC along those from Uganda. However, the Rwandan government considers these groups responsible for the 1994 genocide thus lacking the legitimacy to engage in negotiations. Thus this reference only served to aggravate tensions among the EAC member states.

Thus, when the Draft on Establishment of the Political Federation was floated with the clause on right to land, it was only natural for Tanzania to summarily reject it. This they felt was unjust as it was an issue they categorically wanted left out from the onset. To them land tenure systems among the member states are not uniform and given that in Tanzania land is public, it would be easy for people from other member states to acquire land. To Tanzania, the quest for land by people in the other member states is not reducing but has instead intensified and thus would use the federation clauses as a way of acquiring land to settle their people. Coupled with the right to citizenship Tanzania felt that their citizens were likely to be edged out by the more competitive Kenyans and Ugandans who are highly educated and skilled. To them, citizens from the other member states would take up the professional and highly earning jobs and at the same time settle and occupy their land. The end result would be possible conflicts over resources.

Stretching matters further is the fact that there is the over-bearing economic advantage the others members have over Tanzania. This is especially with regards to Kenya whose balance of payments is to its favour. Kenya dominates in the trade and foreign direct investment (FDI) sector with Tanzania topping the list as Kenya's FDI destination. From this perspective Tanzania further argues that the quest for a federation is driven by forces external to the region in the sense that foreigners, especially from the United Kingdom (UK), own most of the Kenyan companies.⁷² Foreign diplomats in Dar es Salaam are reported to have continually encouraged fast tracking of the EAC integration at the height of Tanzania's reluctance.⁷³ Tanzanians felt that fast-tracking was not their choice but externally imposed and argued, rightly,

71. Juakali Kambale, 2013, "Congo Groups urge Rwanda dialogue with Hutu rebels" Africa Review, Sunday, December 8 2013.

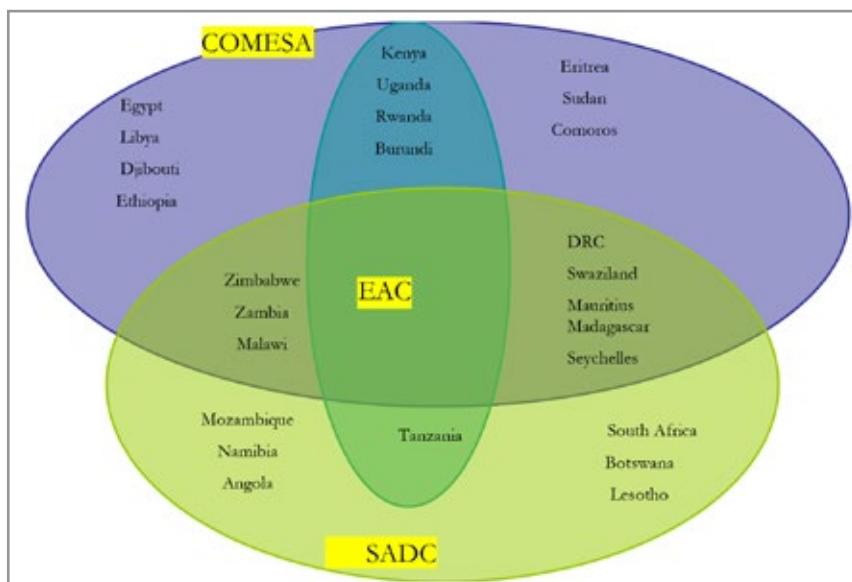
72. Onyango Obbo, C., 2012, "Is EAC trying to be too many things to too many people?" The East African, Saturday April 7th 2012.

73. Onyango Obbo, C., 2011, "No boss in EAC bloc, thanks to Dar's stubborn ways" The East African, Saturday, December 17th 2013.

that an outsider cannot purport to know what one wants in their own house.⁷⁴ Thus a majority of Tanzanians were of the opinion that there was need for a referendum in future to give citizens an opportunity to determine what they want as regards a political federation. If the words of Joseph Nye in 1967 are anything to go by, it would imply that Tanzania holds that they were likely to lose than to gain by ceding too much and thus it would only be prudent to protect their interests first. Indeed, due to the persistence of Tanzania and intense informal negotiations the clauses on land and citizenship were suspended and the matters left to be handled at the national levels.

Besides these factors, it can also be argued that Tanzania is a reluctant partner due to its overlapping membership in different groupings. The proliferation of overlapping regional agreements creates a ‘spaghetti bowl’ (see below) effect due to inconsistencies between various elements of the agreements.⁷⁵

Figure 2: Ven Diagram illustrating the ‘Spaghetti Bowl’ of COMESA/EAC/SADC⁷⁶



74. Felix Osike and Richard Mutumba, 2002, “East Africa: EA MPs Want Political Union” The New Vision, 24th January 2002.

75. A study on COMESA-EAC-SADC Tripartite Free Trade Area Roadmap carried out in 2009 by the African Center for Economic Growth.

76. Adopted from the African Center for Economic Growth.

The overlap creates a complex entanglement of political commitments and institutional requirements, which increases the costs of transactions especially in trade. It also leads to resource and effort wastage arising from duplication of effort. Harmonization and coordination among member states also becomes difficult which according to the Economic Commission for Africa (ECA) tends to muddy the goals of integration leading to counterproductive competition among countries and institutions.⁷⁷

For example Article XXVIII of the SADC Protocol on Trade states that member states cannot enter into a preferential trade agreement with third countries that may impede or frustrate the objectives of the protocol and that any advantage, concession, privilege or power granted to a third country under such agreements is extended to other member states. Article 56 of the COMESA treaty states that member states are free to enter into bilateral or multilateral agreements provided that such agreements are not, and would not be, in conflict and do not undermine the COMESA Free Trade Area (FTA) and Customs Union (CU). Article 37 (4a) of the EAC Protocol on the Establishment of the CU states that a Partner State may separately conclude or amend a trade agreement with a foreign country provided that the terms of such an agreement are not in conflict with the provision of the Protocol. This explains the situation that presents itself to a country like Tanzania that belongs to both SADC and the EAC.

The phenomenon can be further seen in regards to the participation of Tanzania in matters of peace and security. For example, in Eastern Africa there are several important regional security frameworks under the EAC, IGAD, International Conference on the Great Lakes Region (ICGLR) and the East African Standby Forces (EASF). Each framework is different in terms of capabilities and its conceptualisation of threats and solutions to regional security. However, the concern of this paper is the effective participation of member states in each grouping as they join each arrangement in pursuit of different interests. Using the concept of ‘spaghetti bowl’, the peace and security architecture can be said to suffer from the problem of overlapping membership (See Figure 3).

77. Bruce Clifford Ross (2006).

As already pointed out, Tanzania belongs to the EAC and SADC blocs. On one hand, SADC has a very active peace and security architecture for which Tanzania is already committed to. Indeed when the UNSC approved the deployment of troops to Eastern DRC, the mantle was given to SADC and Tanzania took the lead role and provided the largest troop numbers as well as the troop Commander. On the other hand, while Tanzania technically belongs to EASF it does not play any role. It is argued that their active participation in SADC limits their ability to take up active roles in any Eastern African initiative. Tanzania has indeed argued that any active involvement would be counterproductive if they do not have the opportunity to first evaluate its effect on the existing commitments under SADC.⁷⁸ During the EAC formative stages it was argued that as a SADC member, Tanzania was a reluctant negotiator. This was attributed to the fact that while relishing the prospects of benefitting from updated historical ties with neighbouring states, the legacy of a frontline state role, born of heroic engagement with decolonisation behind its Southern borders, tended to endear her more to SADC. However, this perceived bond was not strong enough to avoid close collaboration with her EA neighbours.⁷⁹ From this perspective participation in EAC is likely to be strong from an economic point of view than a security one.

While debating the ratification of the Protocol on Peace and Security, the Rwandan parliament did raise the fundamental question of compromising intelligence given that Tanzania belonged to both the EAC and SADC. While this matter was downplayed with arguments that the issues under discussion within this framework tend to be transnational and hence information sharing is based on necessity, the uncertainty and fear still remains. Reliance on SADC and the southern countries still provides a challenge to the EAC process, as there is the perception that Tanzania is more likely to have its interests met in a better way in SADC than within the EAC.

Another interesting phenomenon to note is that the United Republic of Tanzania is made up of the mainland Tanganyika and the Island of Zanzibar. Within the regionalization context, Zanzibar has been critical of the mainland's acceptance to a political federation. The nature of government in Tanzania would mean that

78. Christabel Ligami (2014).

79. Edward Oyugi, "East African Community – the third round: A People, Market or State driven Regionalisation?" pp. 5-6. Available at www.eac.int/news/index [Accessed on 4th June 2014]

if they were to cede some of their sovereignty to a supra-national authority, then the situation for Zanzibar would be complicated as it would be subsumed within the overall federated framework. The relationship between the two has thus not been rosy as Zanzibar vehemently supports the present structure of governance in Tanzania. The threat of losing Zanzibar, although not considered critical at the moment, is something Tanzania cannot afford to overlook or sacrifice for the sake of regional unity.

Figure 3: Ven Diagram of Security arrangements in Eastern Africa

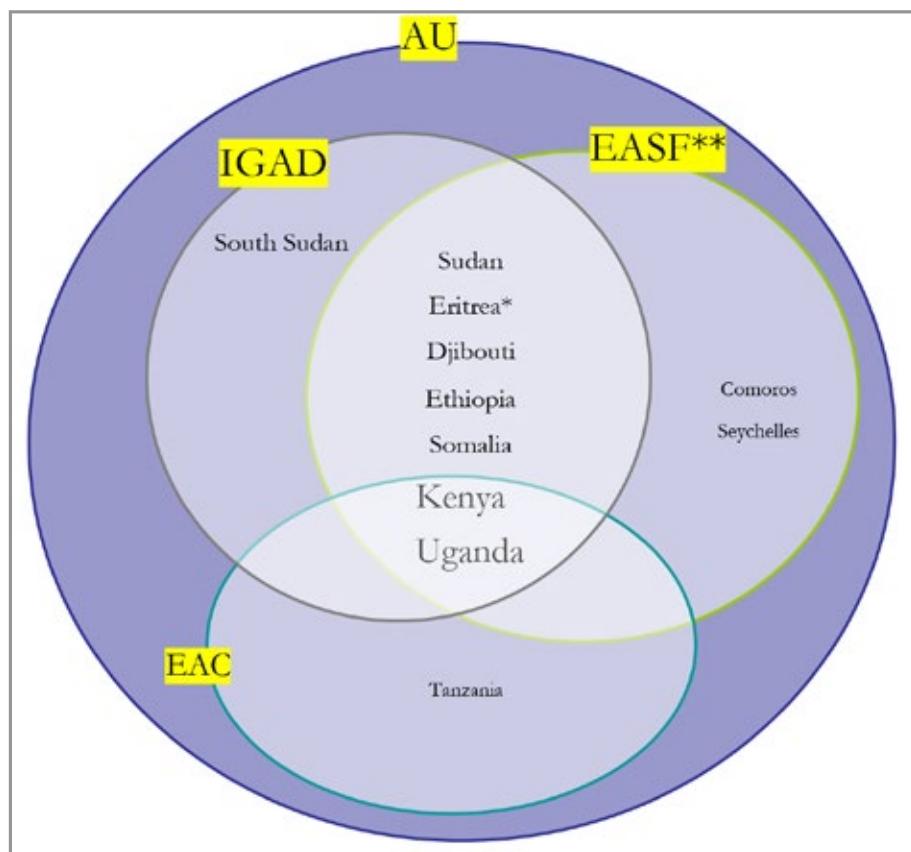


Figure 3 Key:

* Eritrea is presently suspended from IGAD and EASF and stands accused of support to Al-Shabaab activities in Somalia

**Tanzania, Mauritius and Madagascar are formal members of EASF but at present they do not participate. They are also members of the SADC where they play a more active role.

Lastly, some authors argue that at times national interests can translate to mean elite interests.⁸⁰ From this perspective decisions made within the EAC framework can be driven by the interest of the ruling elite. The relationship between Tanzanian President, Jakaya Kikwete and Uganda's President, Yoweri Museveni has not always been cordial. This dates back to a 40 year old incident when the former served in the intelligence wing of the Tanzania's Peoples Defence Forces (TPDF) and anti-Amin Ugandan exiles allied to Museveni were given sanctuary in Tanzania. This historical mistrust became evident in 2007 when the Tanzanian government asked Museveni to return home upon entry after he embarked on an EA tour in which he disregarded protocol. The relationship between Kikwete and Rwanda's president, Paul Kagame has not been rosy either. There has been a diplomatic row since suggestions by the former on negotiations with the Rwandese rebel groups.⁸¹ Fear and mistrust among political leaders is attributed to the demise of the first EAC and was mainly hinged upon ideology. These fears continue to present themselves creating a subjective mirror with which they view the integration process. As such the actions of these leaders in the EAC are likely to be construed, either rightly or wrongly, as being informed by personal dispositions rather than national interests. Unfortunately, this has had an impact on how the community has dealt with issues arising from the integration process.⁸²

From the foregoing discussion, it can be said that regionalization is on prism between nationalism and the overall regional good with individual interests being as many as the number of member states to a regional grouping. Tanzania is not the only country approaching regionalization from a national interest perspective; other member states do the same albeit covertly. What the overt approach by Tanzania exemplifies is that when the issues of interests of a member state diverge from that of the grouping, there is likelihood that the integration process is negatively impacted. The issue thus would be whether the impact leads to a break up of the grouping or the issues can be resolved and/or a middle ground can be attained.

80. Rosamond (2000).

81. Katare Mbashiru, 2013, "EA Regional Integration in Limbo" The Citizen, Wednesday September,4, 2013

82. Ansah, J.W, 2013, "The Political Dynamics of Regional Integration in Africa: The Subjective Side" in

Global Advanced Research Journal of Social Sciences Vol. 2(9) pp.202-211. Available in <http://garj.org/garjss/index.htm> [Accessed on 27th June 2014]

Solution to the Problem

The argument here is based on what Tanzania should give consideration to as regards the integration process. While being nationalistic has its advantages the fact that the world is becoming globalised is beyond doubt. Thus there is need for Tanzania to consider beyond the now and view regional integration from a futuristic viewpoint. The very fears that Tanzania has could actually serve as the point at which they could accrue the benefits from the EAC integration. Three distinct areas, as identified by the Tanzania Country Level Knowledge Network, provide the basis for effective participation in the EAC, namely: political capital; demography and geography and natural resources.⁸³ The network aptly suggests that Tanzania's participation should be "...from timid defensiveness to confident engagement."

Political Capital

Historically, Tanzania has a reputation in mediation and consensus building. Notably, as a frontline state, Tanzania played an active role in the liberation of countries in southern Africa through its support to various anti-apartheid movements. In the 1990s, former President, Mwalimu Julius Nyerere, served as a mediator in the Burundi peace process. Besides, Nyerere was also an instrumental figure in the pan-African movement that eventually led to the Abuja Treaty.⁸⁴ The key highlight of the treaty was the recognition of exiting sub-regional groupings as building blocks of African Economic Community (AEC) and the formation of the AU. The emphasis then was on strong sub-regional groupings that were seen as critical to a united Africa. This was used as the justification for the formation of the first EAC.⁸⁵

Benjamin Mkapa, another former President, has also served to defuse tensions between Harare and Britain following the expulsion of white settlers from Zimbabwe. Tanzania also played a pivotal role in the resolution of the 2007/2008 post-election conflict in Kenya. This political capital can be used to foster relations at the EAC thereby enhancing the integration process. As a starting point Tanzania can play an active role in the South Sudan crisis as it will be considered a neutral party. Engagement in the Somali peace process would also be welcomed and would

83. Salim & Eyakuze(2012).

84. Powell, Kristina, 2005, "The African Union's Emerging Peace and Security Regime: Opportunities and Challenges for Delivering on the Responsibility to Protect" The North-South Institute Working Paper.

85. Col. Jackson J. Mwaseba (2010).

signal to the other member states of its concern over regional security issues. The fact that Tanzania is committed to the unification of its divergent communities can be further used as a tool to enhance the East African identity. Currently the EAC adopts Kiswahili as one of its main languages as it is easily spoken in all the member countries. Kiswahili is a language considered to be a binding factor in Tanzania.

Demography and Geography

As at 2011, the population of Tanzania was estimated at 45 million people accounting for 32% of the total population in the EAC. This is projected to increase to 34% by 2030⁸⁶. This implies that the country offers and will continue to offer one of the largest market for the EAC goods and services. The EAC members are thus likely to be more sensitive to issues raised by Tanzania if they felt that the country was committed to the integration process.

Tanzania accounts for 52% of the EAC total land area. What is unique is that it has a lot of unutilised land. This is attributed to the low population density at 47 people per square kilometre compared to other EAC members with an average of 188.2 people per square kilometre. It is estimated that this density will stand at less than 100 people per square kilometre by 2030.⁸⁷

Thus, Tanzania has a commanding advantage when it comes to land availability and usage. The country also has the largest coastline along with three ports compared to their competitor Kenya currently with one port. Tanzania has the capacity to serve the landlocked countries of Uganda, Rwanda and Burundi by applying appropriate incentives and enhancing its capacities in transport and other infrastructure.

86. EAC Statistics Portal: Social Sector Indicators Available at www.eac.int/statistics/index.php?option=com_content&view=article&id=143&Itemid=109#population [Accessed on 13th June 2014]

87. EAC Statistics Portal: Social Sector Indicators Available at www.eac.int/statistics/index.php?option=com_content&view=article&id=143&Itemid=109#population [Accessed on 13th June 2014]

Resources

Tanzania has a wealth of natural resources which, if well utilised can be used to spur economic development that can feed into the overall regional development. Currently, Tanzania is the third largest gold producer in the world, has 30% more energy potential than the other four EAC member states combined and has more arable/productive land.⁸⁸ This potential, if well exploited, can benefit the other EAC members. The fact that there was a food crisis in Kenya following a ban on exports by Tanzania implies that the country can become the breadbasket of the region.

88. EAC Statistics Portal: Productive Sector Indicators at www.eac.int/statistics/index.php?option=com_content&view=article&id=142&Itemid=117 [Accessed on 13th June 2014]

Recommendations

Considering the capacity that Tanzania has as outlined above, there is need for an effective strategy to meet its national interests and at the same time allow for effective engagement within the EAC. The following suggestions are advanced:

Redefinition of the national interests in terms of first, second and third core. First core interests should relate to physical survival of the state referring to issues of defence and national security (issues of citizenship, land, Zanzibar question). Second core relate to the economic well being of the citizens (availability of jobs, education). Third core relate to survival of the political and cultural view (cohesiveness, identity, religion). This will enable the country to identify what they can or cannot forego both in the short and long term. This would go hand in hand with appropriate and effective articulation of the same.

Enhance capacity for negotiations, which will allow for Tanzania to effectively articulate her position. As noted earlier some of her concerns may require appropriate discussions beyond what is currently being done. In any case, the fact is that not all the countries are complying with all provisions provided for in the protocols due national interests. For example apart from Rwanda all other countries charge for work permits for East African citizens, only that Tanzania imposes the highest fees.

Compliance to the EAC agreements especially as regards non-tariff barriers. This is critical as it would mean that Tanzania is at least committed to what they have signed and ratified. Such compliance would be proof of commitment and a signal towards positive engagement in the integration process.

Investing in national capacity building in the education and infrastructure sectors. This will allow for the enhancement of the competitiveness of the country and will level the playing field among the member states. With effective negotiation, Tanzania can obtain extended compliance deadlines and this buys the country time to improve its domestic capacities. For example, improvement and the use of its ports would greatly enhance the flow of goods in the EAC region. Moreover, with improved infrastructure the country can act as the gateway to Southern Africa. It is

worth noting that the EAC countries, with the exception of Tanzania, are members of the Common Market for Eastern and Southern Africa (COMESA).

Investing in sister states while at the same time being more open to facilitating inflow of capital especially in the resources sectors for which Tanzania has immense experience in. The energy sector, for example, has proven to hinder the growth of the other EAC countries and Tanzania can embrace this opportunity and export power to the other EAC member states. Currently member states, for example Kenya, rely on countries like Ethiopia to meet their power needs.

Enhancing synergy among the different security arrangements as each seem to handle security issues from different perspectives and are endowed with various competencies. This process would greatly be enhanced by effective coordination and harmonization of processes to enable appropriate interaction between the IGAD, EAC and SADC security arrangements among others.

Conclusion

Regional integration is a very critical process in the growth and development of African countries. While there has been achievement in several areas of cooperation the process has not been smooth. One of the impediments of the process of integration is the capacity to identify and reconcile competing national interests and to ensure that all members within a regional grouping benefit from the process. However, the reconciliation of national interests and the processes of integration are not always easy as has been demonstrated by the case of Tanzania and its participation in the EAC. The challenge is for member states to come up with innovative ways of addressing issues as they arise especially given the fact that interests of a state are not necessarily static and thus, different strategies in time and space are important.

Countries join regional groupings owing to the fact that there is a likelihood of achieving specific objectives to a certain measure. The attraction to join a group relates to its outlined overarching aim and the result is countries belonging to more than one group. This overlapping membership creates inconsistencies and may hinder the integration processes. However, it also creates an opportunity for the development of core competencies especially when it comes to issues relating to peace and security. For example, while IGAD plays a critical role in peace processes, its ability to act beyond the peace agreements is limited. Likewise, the EASF plays a critical role in restoring order and security. On the other hand, the EAC has the ability to address issues beyond peace agreements by creating an enabling environment for development to thrive. There is need to tap into these differing synergies and experiences as offered by each framework or grouping of member states. Thus, the recognition of the role each institution would play is critical, as it will enhance the development and success of not only the regionalization process but also the overall peace and security architecture in East Africa.

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Citizenship and Cross Border Insecurity in Eastern Africa

Radosław Malinowski

Introduction

The Eastern Africa region continues to experience challenges with various types of violent conflicts with devastating negative impacts on peace and security not only for the region but the continent and the entire globe. Many of the conflicts in the region usually start at the national levels but quickly assumes regional, or cross-border, and international dimensions. Whilst the conflicts have acquired dimensions that can be regarded as new, the conflicts themselves have long histories. Two examples of such regional conflicts include the ethnic related conflicts across the Kenya-Somali border pitting different clans between and against other adjacent communities; cross-border conflicts involving nomadic pastoralist communities straddling the Kenya-Ethiopia, Kenya-Uganda, Kenya-Uganda-South Sudan, Uganda-South Sudan borders. The Somali community in Kenya is sometimes accused of siding with the Somali who originate in Somalia and assisting them with obtaining Kenyan identification papers. The inter-ethnic conflict in Rwanda and Burundi have had a spill over effect into the DRC, and finally, every year there are incidents of inter-ethnic violent clashes between the pastoralist communities living on both sides of Kenyan-Ethiopian border.

All the above conflicts involve more than one state but they cannot be strictly classified as inter-state conflicts. They do not fit into the traditional, state centric security concept, predominant during the Cold War Era where two ideological blocks fuelled many proxy wars on the African Continent (Goldstein & Pevehouse, 2014). They cannot also qualify for the classical inter-state conflicts of the post-cold war era, for example, the Ethio-Eritrea conflict/war (May 1998-June 2000). Rather, these conflicts fall in the realm of what authors like E. Aznar (1990) refer to as protracted social conflicts pitting different clans or ethnic communities.

Mamdani (2001) notes that, every state creates the political identity whose relationship between it and the subject is framed in the concept of citizenship. The citizenship concept clarifies not only the rights-duties dichotomy, but also creates a bond that has an identity element. While examining the correlation between the citizenship, identity and insecurity, it is vital to note that the states in Eastern Africa have specific historical backgrounds, shared by most of the other states on the African continent. While most of the states in Western Europe became nation states by 19th century, states in Africa have a much shorter history, usually marked by the struggle with negative inheritances from their former colonial masters (Mamdani, 1996). The geography and ethnic composition of states in Eastern Africa have contributed to the emergence of various conflicts in the region (Mamdani, 1996).

This paper examines the interplay between the concept of citizenship and cross border insecurity in Eastern Africa. While discussing the incidents of cross border insecurity, the paper will interrogate the likely causes that fuel ethnic identities at the expense of national identity in the different countries. The hypothesis of the paper is that it is in the sense of belonging that could possibly explain the cyclic incidents of cross border insecurity in Eastern Africa.

Statement of the Problem

The Westphalian state model was developed in the Western civilization, but it has been adopted at the international level. However, unlike the European states, the political entities in Eastern Africa have a different history. Created by Colonial powers, its boundaries were drawn in order to suit the dictates of European metropolis, not the indigenous populations. It is not surprising then that the borders divided similar ethnic communities, thus creating potential conflicts especially between the communities and the states. The diverse ethnic communities did not form nation states under the colonial rule; rather, the states, defined by the boundaries established the colonial regimes, had to come to terms with the ethnic identities that coexisted within the state or across the borders. The coexistence of ethnic communities together with the Westphalian state cannot be simply described in a dichotomous way where the former is obscure and the latter modern. As Berman (2004) observes:

It is important to emphasize that the attachment of many Africans have to their ethnic group and ethnic identity is not simply an atavistic or irrational attachment to kith and kin, or to blood and soil. It is rather tied up with the complex web of social obligations that define people's right and responsibilities, and that protect people when they are most vulnerable and alone. (p. 4).

The coexistence between ethnic identities and the state has an influence on security. A number of post cold war studies have established that there is a close correlation between security and the identity of a political community and that any given community is shaped by the potential or imagined threats (Van Munster, 2005). In response to any threats, the members of a given community are more likely to respect the norms of the community they most identify themselves with, or the community they believe is more likely to protect them against the threats. The response to the threats (whether real or imagined) hinges on the aspects of loyalty and identity and eventually shape the community's perception and relation with the state and its institution. Depending on the nature of this relationship and the degree of threat to personal security, communities might be forced to cross international borders. This movement gains currency from the fact that borders in Eastern Africa are porous mainly as a result of their length and inability of states to police them adequately.

Focus and Scope

The paper examines the influence of citizenship on cross border insecurity in Eastern Africa using the example of the Kenya – Ethiopia border. The paper responds to the following objectives from which some research questions are derived.

Objectives

- To analyse the concept of citizenship in Eastern Africa
- To evaluate the influence of citizenship on cross border insecurity
- To identify opportunities for effective management of identity-based cross border conflicts

Research Questions

- What is the meaning of citizenship in the Eastern Africa context?
- How has citizenship influenced cross border insecurity?
- How can identity-based cross border conflicts be managed more effectively in Eastern Africa?

Justification

After the end of Cold War Era, there was a significant shift in the conflict paradigm. The traditional state-centric approach to issues of peace and security did not apply any more to the new circumstances. This is especially because the new conflicts shifted from being predominantly inter-state and assumed intra-state dimensions (Goldstein & Pevehouse, 2014). In the African context, the latter usually involved different ethnic groups, and did not respect state boundaries. Even though cross-border in nature, they did not create overt conflict between the states; rather they have been classified as interethnic or inter-clan conflicts. E. Aznar (1990) referred to these kind of conflicts as protracted social conflicts that have something to do with deep-seated hostile attitudes between different ethnic groups. Such conflict is related to the threat (either actual or imagined) that is posed by outside circumstances on the security and identity of a given ethnic group. Some of these conflicts occur across international borders and contribute immensely towards cross-border insecurity. The conflicts are difficult to manage by the law enforcement agencies mainly because they require a high level of cooperation between the relevant institutions of two or more countries.

Definition of Key Concepts

In the context of this paper, the following definitions of the complex notions of citizenship, nation, nation state, ethnicity and security are proffered.

Definitions

Citizenship

The term Citizenship in social science is defined as a bond that defines the type of belonging to a political community and clarifies the rights as well as duties that such a bond brings with it. Unlike in the social definition of citizenship the legal concept of citizenship focus more on the rights and duties of citizenly versus the state. For example, the citizenship as a bond provides the basis for other rights, including the right to diplomatic protection by the state concerned. Both approaches however, do complement each other. The term citizenship in international law is used interchangeably with nationality. The International Court of Justice in 1995 ruled about Citizenship but with the use of the term nationality, “According to the practice of States, to arbitral and judicial decisions and to the opinion of writers, nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interest and sentiments, together with the existence of reciprocal rights and duties” (Brownen, 2010, p. 1).

The term nationality is well grounded in the international law. The Universal Declaration of Human Rights (1948) provides in article 15 that “everyone has a right to a nationality” (Universal Declaration of Human Rights, 2009), while The Convention on the Reduction of Statelessness (1999) mandates that “A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless” (Treaty Series, 2007). Many human rights related treaties mention or refer to the term nationality when describing or defining their work. For example, the International Convention on the Elimination of Racial Discrimination (1973) requires that the right to nationality not be denied for discriminatory reasons. The Convention on the Elimination of All Forms of Discrimination Against Women provides that women be granted equal rights with men in respect of citizenship (Brownen, 2010).

Nation

The term nation has been a subject of debate in academia and among policy makers. Within the UN regime, nation in general is understood to refer to “people” that is, a political community. As Norbu (1992, p.47) observes, “In the contemporary political usage as popularized by the UN, nation is interchangeably used with the ‘people’; indeed, the two terms have become almost coterminous”. Smith (1991) defines ‘nation’ as “a named human population, sharing a historic territory, common myths and historical memories, a mass, public culture, a common economy and common legal rights and duties for all members” (Smith, 1991, p. 15). Smith goes further and posits two ways by which different social groups can attain the status of a nation at its formative stages. These are first, on numbers of territorially based building blocks (The territorial-civic model) and second, on primordial solidarities like dialects, religion, beliefs (The primordial-ethnic model). Smith (1991) has identified some fundamental features that constitute or define national identity including:

1. A historic territory – homeland
2. Common myths or historical memories
3. Common, mass public culture
4. Common legal rights and duties for all members
5. Common economy with territorial mobility for members (Smith, 1991, p. 15).

Nation State

The concept of national state, together with the idea of citizenship was developed in Western Europe. The process of creation of a nation state in Western Europe was very gradual and complex. As Norbu (1992) observes:

Most historians agree that the nation as a historical phenomenon did not exist up to the end of the XV century in Europe. Where did it come from since the XVI century? Certainly not out of the blue. We suggest that the nation as we know is emerged out of the latent social unity inherent in any complex society through the process of progressive politicization and integration. The more complex the society, the greater the prospect for national unity. (...) Behind any great contemporary nation is a complex society with the history of a great tradition. (p.53).

The process towards the nation state was long and complex, and did not happen with the same intensity in each European society. Eventually, when the major states became nation-states, it was believed that such social construction was the best model not only for Europe, but also for other parts of the world. A nation has some advantages over the society composed of ethnic groups, as it is composed of a politically conscious people from a common background including descent, culture, language, history, and such a conscious collectively exhibits relatively high levels of unity in spirit and action. As Walker (1996) states, a nation is equipped with a shared consciousness, or self-awareness. A self-aware group is able to produce its own goals when it comes to the security of a nation. A nation is able to define its interest and use the state apparatus to achieve it, or at least to make significant efforts towards it.

Ethnicity

The term ethnicity is relatively new in International Relations and was popularized in the United States to describe the minorities that did not belong to the American majority of Anglo-Saxon origins. Indeed, Eriksen (1996) observes that, in everyday language, the term ethnicity still has a ring of ‘minority issues’ and/or race relations’. The word ethnicity is derived from the Greek ethnos (which in turn is derived from the word ethnikos) which, originally meant heathen or pagan. It was used in this sense in England from the mid fourteen century to the mid nineteen century when it gradually began to refer to racial characteristics. Barth (1996) defines an ethnic group as a population that has the following criteria:

1. Is largely biologically self-perpetuating
2. Shares fundamental cultural values, realized in overt unity in cultural norms.
3. Makes up a field of communication and interaction
4. Has a membership, which identifies itself, and is identified by others, as constituting a category distinguishable from the other categories of the same order (p.75).
5. On his part, Weber (1978) states that ethnicity is more often related to a common ancestry thus,

“We shall call ‘ethnic groups’ those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization and migration; this belief must be important for the propagation of group formation; conversely, it does not matter whether or not an objective blood relationship exists. Ethnic membership differs from the kinship group precisely by being a presumed identity, not a group with concrete social action, like the latter.” (p.289)

Security

According to the Glossary of Terms and Concepts in Peace and Conflict Studies (2005), security is a subjective state in which an individual or collectivity feels free from threats, anxiety, or danger. Such insecurities have typically been observed in relation to nation-states, for example, in regards to borders or institutions responsible for governance. Traditional security has focused on the ability of state to ensure its territorial sovereignty. This state-centric approach echoed a realist paradigm in International Relations, where state was the primary actor in the International System. This was the dominant approach in the Cold-War era where all the efforts were geared towards ensuring the integrity and sovereignty of the states. The Cold War antagonism led to senseless military expenditures by states (King & Murray, 2001). As long as a state, through alliances and military power, was able to preserve itself, its security goals were achieved.

With the end of Cold War hostilities, there was a significant change in the doctrine of security. One of the factors contributing to this change was the emergence and recognition of non-state actors, such as ethnic groups. While the State remained an instrumental player in the international system, the new actors gained prominence and meaning and re-defined the nature and prosecution of conflicts (Goldstein & Pevehouse, 2014). In today’s world, the potential security threats include those inherited from the Cold War era for example, the proliferation and management of nuclear arms; and, a range of new types that include terrorism, cyber crime, illegal exploitation of natural resources among many others. Today, the question of security is viewed from a wider lens or perspective in a framework popularly referred to as human security.

In 1994, the United Nations Development Program (UNDP) published the *Human Development Report*, which is considered as a decisive document that outlined the concept or paradigm of human security. In the report, human security was seen to constitute two main aspects, thus,

It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life-whether in homes, in jobs or in communities (UNDP Report, 1994, p. 23).

A number of scholars have attempted to broadly unpack the 1994 UNDP definition of human security. Paris (2001) proposes a five-fold classification system that classifies human security in five dimensions:

“(1) Environmental, personal, and physical security, (2) economic security, (3) social security, including “freedom from discrimination based on age, gender, ethnicity, or social status,” (4) political security, and (5) cultural security, or “the set of psychological orientations of society geared to preserving and enhancing the ability to control uncertainty and fear” (p. 91).

From this clarification, human security has both a moral connotation with traditional security paradigms (by making the security of people and communities as the ultimate goal), and a methodological one (based on the notion that by securing individuals first, the security of the state, the region and the international system are also ensured (UNDP Report, 1994). Based on this understanding, the concept of Human Security should not be presented as being in conflict to state security; both concepts have their own peculiar limitations and often the weaknesses of one concept are strengths of the other. Indeed, the aspects addressed by human security constitute the foundation upon which state security can be built. The states that are secure are those, whose human security is fulfilled and weak states are usually challenged when human security is absent or weak (Peck, 1999).

The Concept of Citizenship and Identity in Eastern Africa

Unpacking the concept of citizenship

Citizenship is a persons' special relationship with their country, that is, membership

of the country with duties and rights, and expectations, on both sides (Ghai, 2011). The concept of citizenship has legal and social aspects. From the legal point of view citizenship means the legal bond between the state and an individual, where the rights attributable to a citizen are the basis for other rights (Brown, 2010).

In international law, the term citizenship is interchangeably used with the term nationality. For the United Nations, the term nation means “the people” as opposed to a specific national group (Norbu, 1992). The Universal Declaration of Human Rights (2007) included nationality as a human right, however, the grant of nationality is at the discretion of the state. In general, a state can adapt one of two types of systems to grant citizenship: either *ius soli* or *ius sanguinis*, where the former is based on the fact of being born on the state’s territory while the latter is based on blood ties (being born by one or two citizens. Most African countries, like a majority of other countries in the world, apply a compromise of the two systems in their laws that govern the granting of citizenship. Such an approach is an attempt to bridge the African traditions and what they inherited from their colonial legacies. The compromise mitigates situations where significant numbers of people would be rendered stateless for one reason or other.

Most African states adopted the legal systems of their former colonial powers and this has had varied practical implications. As Brown (2010) states: “under international law, individuals who had the nationality of a predecessor state should have the right to the nationality of at least one of the successor states” (p. 9). The colonial state, created by the colonialists, did not respect the traditional African structures, and imposed a western model of legal citizenship. The colonial state was also more concerned in exploiting the native population and promoting migrants (settlers) over the indigenous people. The colonial state’s policies did not foster the sense of belonging among the population in the colonies and its administration prioritised the use of race and ethnic basis in its governance. Mahmood Mamdani (2001) distinguished two different types of colonial rule, direct and indirect. The direct rule as applied by the colonial states was based on racial distinction while the indirect rule used the ethnic yardstick; this was how the modern African ethnicities evolved. The colonial governments were not averse to forced migration of certain ethnic groups for purposes of serving its economic needs. Indeed, the governments

encouraged, deliberately or otherwise, a pattern of economic development based on migrant labour from within Africa (mineworkers to South Africa) or from outside the continent (colonial settlers). Such politics of ethnic discrimination in the customary sphere translated ethnicity from a cultural to a political identity, and resulted in animosities between ethnic communities.

The legal aspect citizenship

The grant of citizenship, from the legal point of view, was always a prerogative of the state, though in most cases the fact that a person was born in the territory of the state was enough to obtain citizenship. In general, African laws follow the *jus soli* rule, however, some countries still consider racial or ethnic factors as a basis for nationality (Brownen, 2010).

The Universal Declaration of Human Rights guarantees nationality (citizenship) as a human right. Article 15 states that “every one has a right to a nationality and no one shall be arbitrarily deprived of his nationality”; and, in 1930, the Hague Convention On Certain Questions Relating to the Conflict of Nationality Laws affirmed in its preamble that it is in the interest of the international community to ensure that all countries recognise that “every person should have a nationality.” Another important document of international law is The 1961 Convention on the Reduction of Statelessness, which obliges states to prevent statelessness in nationality laws and practices. Article 1 state that “A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless.” Article 8(1) directs that “A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless.” There are many other international statutes in relation to citizenships, for example, The International Convention on the Elimination of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; and, The Convention on the Rights of the Child among others.

As for the African Transnational law, the African Charter on Human and Peoples’ Rights does not mention the right to a nationality. However, the African Charter on the Rights and Welfare of the Child provides the right to a name from birth and the right to acquire a nationality to every African child. On its part, the Protocol to the

African Charter on Human and Peoples' Rights on the Rights of Women in Africa contradicts the international praxis as it does not mention a woman's right to pass citizenship to her husband (Brown, 2010).

At the national level, the institution of citizenship is regulated by the Constitution of each respective state. Normally the Constitution provides a general overview of the institution of citizenship while the different Acts of Parliament details the specific regulations to be followed in regards to citizenship.

In Kenyan, the Constitution, enacted in 2010, is more detailed in regulating the institution of Citizenship. The document is rights oriented and it states:

“Article 12 (1) Every citizen is entitled to— (a) The rights, privileges and benefits of citizenship, subject to the limits provided or permitted by this Constitution”

The Constitution sets rules on who is a citizen, using a hybrid system of *ius soli* and *ius sanguini*.

“Article 13:

1. Every person who was a citizen immediately before the effective date retains the same citizenship status as of that date;
2. Citizenship may be acquired by birth or registration.

Article 14:

1. A person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen;
2. (4) A child found in Kenya who is, or appears to be, less than eight years of age, and whose nationality and parents are not known, is presumed to be a citizen by birth.”

Also, the Kenyan Constitution makes it explicit on how to acquire a citizenship status:

Article 15:

1. A person who has been married to a citizen for a period of at least seven years is entitled on application to be registered as a citizen.
2. A person who has been lawfully resident in Kenya for a continuous period

of at least seven years, and who satisfies the conditions prescribed by an Act of Parliament, may apply to be registered as a citizen.

3. A child who is not a citizen, but is adopted by a citizen, is entitled on application to be registered as a citizen”

Finally, the 2010 Constitution provides the possibility of acquiring dual citizenship in Article 16 that state “A citizen by birth does not lose citizenship by acquiring the citizenship of another country”.

The Kenyan Constitution definition and interpretation of citizenship is human rights oriented, modern, race and ethnic factor free and takes into account provisions and standards provided for in international laws.

The Ethiopian Constitution of 1994 defines citizenship as:

“Any woman or man, either of whose parent is an Ethiopian citizen, shall be an Ethiopian citizen. Foreign citizens can become Ethiopian citizens. Specific conditions relating to citizenship shall be determined by law”.

The Ethiopian Constitution clarifies the notion of nationality in Article 39 titled “Rights of Nations, Nationalities, and Peoples”, thus,

1. “Every nation, nationality and people in Ethiopia has an unconditional right to self determination, including the right to secession.
2. Every nation, nationality and people in Ethiopia has the right to speak, to write and to develop its language; to express and to promote its culture; and to preserve its history.
3. Every nation, nationality and people in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation of regional and national governments.
4. A nation, nationality or people for the purpose of this Constitution, is a group of people who have or share a large measure of a common culture, or similar customs, mutual intelligibility of language, belief in a common or related identities, and who predominantly inhabit an identifiable, contiguous territory”

The Cross Border Insecurities in East Africa

Inter-ethnic Violent Conflict (Kenya – Ethiopia)

For many years, communities living across and adjacent to the Kenyan-Ethiopian border have been visited by numerous conflicts ranging from political insurgency; for example, the Somali insurgency in Kenya (Shifta War) as well as Ogaden War in Ethiopia or the conflict between the Oromo Liberation Front (OLF) in Southern Ethiopian that saw many supporters of the OLF operating among ethnic communities that belong to the larger Oromo ethnic family (Schlee, 2012). There have also been violent conflicts resulting from pastoralists' contestation over water and pasture among others. Like in other border areas across the continent, one of the characteristics of these conflicts can be traced to the questionable creation of state boundaries by former colonial entities. The current shape of the border between the two countries is the result of different processes before and during the colonial time, when the British colonial interest was competing with the Ethiopian Emperor Menelik's claims to the area east of Lake Turkana.

The Ethiopian Emperor Menelik claimed Lake Turkana and proposed a boundary with the British to run from the southern end of the lake eastward to the Indian Ocean. On the other hand the British, keen to create a buffer zone between the white settlers in what was then British East Africa and the nomadic tribes wanted to extend its territory further north (Ochieng, 1989). In the second half of the 19th century and in the first half of the 20th century, the British, representing their colonies of that time (i.e. Sudan, Kenya and the British Somaliland) signed various treaties with independent Ethiopia to demarcate the Ethiopia-Sudan, Ethiopia-Kenya and Ethiopia-British Somaliland boundaries. The de-facto border between Kenya and Ethiopia was then set at the Maud line (named after the engineer who did the survey), which ran east-west from the north end of Lake Turkana. (Teshome, 2009).

With the exception of the Ilemi Triangle (a disputed territory, which is claimed by Sudan, Kenya and Ethiopia), there are no territorial disputes between Kenya and Ethiopia, as both countries have chosen collaboration rather than confrontation in solving cross-border conflicts. Indeed, in 1969 both countries signed a Defence Pact - a bilateral treaty that is often described as a response of both countries in case

of the event of Somalia's attempt to invade any of the two nations (Ochieng, 1989). Despite these provisions, the Kenya- Ethiopia border remains a theatre of a number of identity related conflicts, where ethnic identity conflicts with the identity based on citizenship. Two of these conflicts are briefly discussed here.

The interethnic violent conflict between the pastoralist communities that live on both sides of the Kenyan-Ethiopia border have been a serious threat to peace, security and development in the region. The violent and protracted conflict between the Borana and Gabra ethnic communities, Turkana – Merille ethnic communities, Gabra – Merille ethnic communities can be regarded as examples of identity based conflicts that result in cross border insecurity. The area on both sides of the border is arid or semi arid, often affected by drought. The economic mainstay in this region is livestock husbandry; hence, in times of drought, the nomadic communities migrate with their livestock across the international border in search of water and pasture (Schlee, 1989).

The competition over the scarce resources, water and pasture, is compounded by the general lack socio-economic infrastructures (roads, schools, hospitals etc.) and alternative livelihood opportunities. As ethnic groups in the region try to secure their survival and wellbeing, they treat others as potential rivals with whom they will have to share the scarce resources. The resulting conflicts are usually violent especially because of the ease availability, proliferation and use of illicit small arms and light weapons (SALW) in the region.

Since 2011, for example, the growing animosity between Borana and Gabra ethnic groups caused raiding and other forms of violence that have resulted in over 20,000 people seeking refuge in Ethiopia (Schlee, 2012). As the borders are porous and both countries have challenges in controlling the cross-border movement of people, conflicts erupting on one side of the border usually spill over to the other side. This is because, among other reasons and depending on where the conflict has started, perpetrators of violence seek support or refugee among their communities across the border.

The conflict between the Borana and Gabra ethnic communities was not a prevalent feature in the past, as the two co-existed in relative peace Tablino (1999), rather

present day violent conflict between the Borana and Gabra is the result of the belief that violence is a justified means of retaliation for wrongful deeds committed by the other. Such an attitude can be termed as negative ethnicity, where the perception of “the others” is usually guided by stereotypes, simplified version of interethnic relations (us-victims, them-perpetrators). This attitude is also informed by the perception that the responsibility of the violent incidents is shared by the whole community, not a particular individual, or group of individuals, who committed the violence. This allows victims, or rather those who identify with victims, to revenge against the collective of the adversaries.

Another example of interethnic conflict that composes cross border insecurity situation is the violent competition over resources in the Omo River Delta between Turkana and Dassenach (Merille) ethnic communities. The two groups have to survive and conduct similar economic activities (fishing, livestock husbandry, limited farming) in a harsh environment (Schlee, 2012). The conflict over access to resources that started in 2011 around the Todonyang area (a border settlement located at the estuary of river Omo), resulted in violent attacks that were carried out on both sides of the Kenya-Ethiopia Border. Contrary to popular views that often portray Turkana as Kenyans while Dassenech as Ethiopians, both ethnic groups migrate and occupy land on both sides of the border (Schlee, 2012). The killing and raiding proved to be disastrous to the whole region, as many public facilities like schools, hospitals, markets were destroyed, thus reducing already scarce infrastructure. Although security enforcement agencies in both Kenya and Ethiopia try to collaborate and contain the two warring parties, the incidents of violence are still prevalent.

Societal Security and Cross Border Insecurity

The complex security scenarios on the border between Kenya and Ethiopia are a reflection of the multifaceted relation between the nationality, ethnic identity and security. As it was explained earlier in this paper, the constitution of the current ethnic groups is an outcome of the African traditions and the modernization processes during the colonial and postcolonial era (Norbu, 1992). In reality, the significance of ethnic identities did not diminish with the independence of African states. This was because, first, the ethnicity was used as a negative tool during the

colonization process; second, the fact that policy makers paid little attention to the formation of a nation and did not create the proper relationship between the ethnic groups and the nation state. As such, the two concepts, ethnicity and the nation state exist together, and consequently have responsibilities such as providing security.

Van Munster (2005) states that, there is a close interplay between security on one hand and the identity of a community on the other. This interplay is going to influence the identity of a given community, its perception of the outer world, especially the state and other communities within it. And if the state is not going to accommodate the divergent units within its jurisdiction, there is a high chance of overt conflict. As Waever (1993) observes:

Societal factors and agencies play important roles in the field of national security. If the state fails to reconcile the relationship between itself and its society, conflict and confrontation are likely to occur. If a given society recognises that its identity is threatened, it may react either passively and culturally or militantly and coercively in order to defend it. Both these methods can consequently deepen and strengthen the qualitative potency of societal identity in the community and can lead to ethnic suppression or civil war. The two major societal actors pertinent to this thesis are: ethno-national identities; and religious identities. These two factors are most likely to produce violent conflicts between the variegated units of a society. (p.236)

The above analogy, where ethnic community can be an active component of insecurity cannot fit into the traditional state centric approach. Ethnic communities are likely to use their identities if the state is not able or not willing to exercise the powers attached to its apparatus, especially to use its mandate in terms of providing security. (Robinson, 2008). Given such a scenario, ethnic communities might feel that their identity is threatened or targeted and will respond to the threat (Buzan, 1997). In fact, the actions and reactions of communities based on the threats perceived by ethnic societies can be more dangerous to the peace and stability of the state than any external threat. Such actions by the communities can have the capacity to threaten the state sovereignty given that sovereignty does not exist as a juridical sanctioned power to rule, but as the capacity to call such an order into being (Schmitt, 1985).

Where a state is unable to establish order, its sovereignty becomes questionable. Although this concept goes against the conventional, juridical definition of sovereignty, it describes the situation that exists in some parts of Eastern Africa, where central government institutions are unable to execute their mandates. Indeed, the inability of the central or local government to perform its duty in any of the areas, considered the responsibility of the sovereign state, has direct impact on the sense of security of different ethnic groups within its boundaries.

Perceived threats by communities include uncontrolled migration patterns that could change the ethnic composition of the community, economic, political, or military gain of one or more neighbouring ethnic groups, better access to some resources like education, health or infrastructure by one community among others. When such threats are identified by the decisive bodies in each ethnic community, there is usually a sequence of events where the ethnic group “will attempt to elevate an issue from the realm of low politics (bounded by democratic rules and decision-making procedures) to the realm of high politics (characterised by urgency, priority and a matter of life and death)” (Buzan, 1998, p.26). This means that in the case other means fail, the ethnic group will use violent means to protect itself.

While discussing this peculiar situation of ethnic communities participating in the process of securitizing the threats, particularly those that address their identity, it is important to note that those threats are not necessarily real. Often, the ethnic community can act based on imagined, rather than real danger, or execute violence against imagined rather than the real enemy to its identity or integrity.

Identity – Security Nexus

One way of classifying state engagement in the context of security and identity is to place them within one of two apparatus, namely oppressive apparatus and ideological apparatus (Althusser 2008). The former provides rule of law, security and order and contains institutions like the police service, judiciary, military and customs. The latter is in the sphere of human security; for example, providing/meeting socio-economic needs (health, education etc.) of the citizenry. Both are interdependent and important for the state to function properly.

The Althusuer concept of oppressive and ideological state apparatus corresponds with the two common types of security, traditional and human security. The lack of one type of security will eventually lead to a crisis in the second one; in other words, the two are complementary and inseparable. As the states in Eastern Africa are multicultural, with strong ethnic identities, there is a need for the development of shared values sustained by the different institutions belonging to the two apparatus.

Given that a number of citizens live in the periphery of the state, they harbour feelings of marginalization and deprivation. It is not surprising that these groups lack the sense of belonging to the national identity and are forced to nurture their loyalty towards the ethnic identity. It is this feeling of marginalization and deprivation that must be dealt with in order to reconcile the ethnic and citizen identity. This must be done in a way that transcends the paradigm of exclusion articulated in terms of mono-cultural self definition (Tarimo, 2009).

In a situation where security is inadequate, ethnic identity will act as a focal point around which group members will mobilise and compete with other ethnic groups for available resources (Tarimo, 2009). Such competition will be multi-layered, starting with the shared common beliefs (“us” versus “them”, where it is only us that we trust and share our common wealth); exclusion of other ethnic groups from economic benefits; selection of leaders that will promote the particular interests of our ethnic group at the expense of others; feeling of cultural uniqueness and end with a deep sense of ethnic solidarity. If the above means will not be sufficient, members of the ethnic group might decide to turn into overt conflict as the only sensible solution to protect their ethnic survival (Ramsbotham, 1994). Therefore, the realisation of a strong sense of nationhood can be achieved first by developing ideology and national values that citizens can identify with, together with an inclusive national policy concerning the state and human security. If a state is able to use the oppressive and ideological apparatus to provide both traditional security and basic human needs, it might be able to resolve the feeling of marginalization and deprivation that lead to negative ethnicity and exclusion of sections of its citizenly.

The creation or enforcement of a national identity with the use of the two apparatus does not necessarily mean achieving a mono-ethnic state, in which all other ethnic groups will melt into one national identity (Brownen, 2010); and, neither does it mean

the or reshaping the boundaries of existing states in order to make them mono-ethnic. In any case, even in Europe or North America the international boundaries are the result of conquest, imperial treaties or dynastic marriages, and thus are not automatically drawn according to the identities of the local communities. In fact, the ethnic and national identity can exist together with little or no competition of loyalties (Hollenbach, 1979). This concept of unity in ethnic diversity might be ambitious but also very pragmatic, especially for Eastern Africa, taking its history and development. Therefore, the creation of national identity based on the idea of citizenship can still be based on the principle of ethnic pluralism and multiculturalism. Indeed, authors like Manwelo (2009) believe that, “the multiculturalists model of identity is the best way through which we (African societies) can build up sound, just and stable societies today” (p. 115).

National identity can be developed in multicultural societies. Manwelo (2009) proposes three steps of doing this. The first step is to promote the ideology of nationhood, possibly with the aim of changing attitude. The second step is the creation of values that will help the society create a sense of togetherness. Such values include social justice, equal share of resources with a special attention to marginalized peripheries, self-determination, and respect for otherness. Finally the third step encompasses the realisation of these values through enlightened state policies. In order to be successful, the three steps cannot afford to exclude any ethnic groups, even the smallest minorities. Rather they have to be achieved at the national or societal scale.

Building a nationwide society is an important task as the formation of a nation state involves a society that leads to a state and then a nation (Norbu 1992, p. 55). This means that it is a society that can create a national identity. Moreover, a socio-political movement that is nation oriented requires healthy organization, skilled leadership and resources to compete effectively in the system and all of this cannot be achieved in a vacuum, but in an existing structure, notably a society (Ozkirimili, 2000).

Recommendations

Taking into account the complex correlation between citizenship, ethnic and national identity on one hand and cross border insecurity on the other, this paper proposes the following recommendations for addressing the underlying causes of the identity based cross border insecurity in Eastern Africa.

The idea of nationhood should be a subject of a constant discussion and the benefits of a nation should be presented to the societies in different Eastern African states. While there is a general consensus that unity is beneficial, people, especially those from marginalized areas, have not seen the benefits from being citizens of the states they live in.

There is need for developing and embracing, through consensus, a set of national values. Such values should be based on standards benchmarked against of international law, be sensitive to the cultural setup of each community, be acceptable by different ethnic communities and grounded in law. Kenya, for example, developed a set of national values as reflected in her 2010 Constitution.

“Article 10 (2) points out the national values and principles of governance to include:

1. Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
2. Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
3. Good governance, integrity, transparency and accountability; and sustainable development”

Once developed, such values should be popularized and subjected to a debate at both the national and local level. The outcome of this debate should be implemented in the legal practices, operations of the state institutions and finally in the day-to-day activities of the citizenry irrespective of how time consuming or expensive the processes might be.

It is important to addresses the situation of inequality and marginalization of communities, particularly those living in the peripheries or borderlands. It is imperative that national wealth is distributed fairly and equitably without discrimination. Marginalized communities will not feel responsible for the common good, respect the rule of law or state interests as they will not see any benefits from belonging to a state-based society. Decentralization of the unitary governance and federalization are sure approaches of ensuring inclusiveness of the citizenly of a country.

The capacities of state institutions to carry out their given mandates must be addressed. In situations where state apparatus are ineffective, unwilling or unable to perform their functions, the challenge might not only be that of governance but there exists a real threat to identity and nation building. Effective state apparatus (using the Althusser's classification of both oppressive and ideological apparatus) creates a sense of belonging and provides pragmatic reasons for members of different ethnic groups to embrace citizenship. In addition, effective and professional law enforcement agencies (including border control services, military and immigration service), socio-economic activities as well as effective diplomatic protection of citizens in foreign countries are necessary components that mitigate against feelings of insecurity by the citizenly. The question of the creation and enlargement of social capital – a system of networks together with shared norms, values and understandings that facilitate co-operation within or among groups in a society (OECD, 2007) must be considered. The social capital influences a difference in horizontal and vertical social entities across the society and is key in the processes of democratization, nation and state building and in creating a sense of belonging and unity among the members of a society within the state boundaries.

Finally enforcing the rule of law in each particular case of cross border insecurity in general will create a culture where law prevails over partisan interest, anarchy and lawlessness. The rule of law, the authority and influence of law in society is viewed as a constraint on individual and institutional behaviour whereby, all members of a society (including those in government) are considered equally subject to publicly disclosed legal codes and processes. This serves as a firm foundation on which the community can rely and substitute on behalf of the members of different ethnic communities in incidents that breach the cross border security (Tamanaha, 2009).

Conclusion

There is a prevalence of the identity based cross border insecurity incidents in Eastern Africa. One of the factors attributed to this are the artificial borders drawn against the historic identities and culture of the people by the colonialists. This artificiality is often credited with cross border insecurity as communities living across international borders appeal to their ethnic relations for support whenever interethnic violent conflicts occur in either country. The ultimate elimination of such insecurities can only be possible if the underlying causes that trigger the incidents are addressed.

The concept of citizenship is complex and from the legal point of view forms a rights-duties relationship while the social element of citizenship is about the multifaceted bond that is created between the citizen and the state. As the states in Eastern Africa are composed of many ethnic groups, the dynamics of citizenship will be different than in mono-ethnic states (usually the nation). In the former the citizenship will play an additional role of creating a nation, out of ethnic groups inhabiting the state.

The interplay between the citizenship and cross border insecurity has roots in the colonial past of Africa, where international borders were drawn in a manner that divided many ethnic groups. Members of the same ethnic communities share ethnic identities with their kin and kith who live across the international borders. The sense of identity is not irrational, but comes from a process of securitizing threats and the response of ethnic groups toward those threats.

Threatened members of ethnic groups will always keep their loyalties with the identity that will provide security and guarantee their survival. Therefore, for a state to foster the creation of a national identity - national citizenship, real and perceived threats to its citizenry must be adequately addressed. Once these threats are mitigated at the local and international levels, the incidences of cross-border insecurities in Eastern Africa will be greatly reduced.

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Highlights of Key Messages in the Issue Briefs

Regionalization versus National Interests in Peace and Security in Eastern Africa: The Case of Tanzania

Regionalization requires that a state has relations with others both within a bilateral and multilateral context; thus, must have a *raison d' État* meaning that national interest becomes an important driving force behind regionalization. National interests of a state determine the extent of participation within the grouping as well the effectiveness of its participation. For a country to participate effectively in any regionalization scheme, two critical issues can be underscored: the ability to effectively promote its national interests and ensure a balanced impact of the scheme and the overall effectiveness of the integration process as a whole. The latter implies that the viability and net benefits of the integration system depends on the capacity of each member state.

With Tanzania as a classical example the following national interests need to be reconciled within the regionalization framework for effective participation within the EAC: -

- The apprehension of being drawn into unjustifiable wars by belligerent members as was predicated in the peace and security protocol.
- The spill over effects of conflicts arising from political instability in EAC sister states considering that many of them are ethnically and elite driven, whereas Tanzania has managed to enhance the unity of her people.
- The recognition of the different land tenure systems and the mechanisms of utilization for the benefit of all member states.
- Overlapping membership as Tanzania belongs to SADC and EAC and there are similarities of objectives between the two.
- The Question of Zanzibar being subsumed in the overall EAC framework.
- Despite these concerns, Tanzania stands to benefit greatly by appropriately understanding its strengths and using them to her advantage.

- These strengths include: -
- The active participation in international mediation and conflict resolution.
- The high population that accounts for 32% of the EAC total but with a relatively low population density.
- The presence of natural wealth that can spur economic development for the country as well as the larger EAC region.

Citizenship and Cross-border Insecurity in East Africa

One of the characteristics of the Post Cold War Era the rise of intra-state conflict incidents, many of them in the form of protracted social conflicts that involve ethnic communities living across the international borders. These conflicts, while being cross-border in nature, do not result in interstate hostilities; rather they are classified as prolonged interethnic or inter-clan conflicts.

The fact that borders are porous or the states in Eastern Africa lack institutional capacity to monitor them adequately is not the only underlying causes of cross border insecurity that threaten peace and security. Besides the porous borders, the identity of the communities within Eastern Africa is a key aspect that cause insecurity.

There is a close interplay between security and identity of a political community that is shaped by real or imagined threats. In response to such threats, members of a given community will tend to respect the norms of the community they most identify with, or the community they believe is likely to protect them better against those threats. The response to these threats (real or imagined), determines the loyalty and identity and eventually shape the community's perception and relationship to state institutions.

Taking into account the complex correlation between citizenship, ethnic and national identity on one hand and cross border insecurity on the other, the following points are identified as having the potential to address underlying causes of the identity based cross border insecurity.

- Promoting the notion of nationhood
- Defining national values that are accepted by all.
- Popularization of the national values through public debates
- Addressing inequality and marginalization of communities, particularly those living along and adjacent to international borders.
- Increasing the effectiveness of the state institutions
- The promotion and enlargement of social capital
- Effective enforcement of the rule of law

About the authors



Joyce Gichuru is an Applied Researcher at the International Peace Support Training Centre (IPSTC). She holds a Masters degree in International Relations from United States International University (Nairobi) and a Bachelors degree in Agricultural Education and Extension from Egerton University (Nakuru). She has extensive experience in government having worked for many years. She has worked as a policy analyst with the Kenya Institute for Public Policy Research and Analysis (KIPPRA) and authored works in the area of foreign policy and trade. She has also worked as a teaching assistant in USIU focusing on foreign policy and international political economy. Currently, she is working as a researcher in the area of peace and security operations in the Eastern Africa region



Radoslaw Malinowski is an applied researcher at the International Peace Support Training Centre (IPSTC), Nairobi Kenya. He holds a Master of Arts Degree in Law and a Master of Arts Degree in Theology from the Catholic University of Lublin (Poland), as well as a Master of Arts Degree in International Relations and Peace Studies from Hekima College – a constituent College of Catholic University of Eastern Africa (CUEA), Kenya. Currently he is pursuing a PHD from the Catholic University of Lublin (Poland). He has worked for different non-governmental and international organisations in Kenya, South Sudan, Malawi and South Africa in the area of peace, conflict and human rights. He is also a part time lecturer at the Tangaza University College (CUEA).



International Peace Support Training Centre

Westwood Park

P.O. Box 24232 - 00502, Karen, Kenya.

Tel: 00254(0) 20 20 388 3157/8

Fax: +254 20 388 3159

Email: info@ipstc.org

Website: www.ipstc.org