THE INTERFACE BETWEEN SOVEREIGNTY AND THE INTEGRATION PROCESS: THE SECOND EAST AFRICAN COMMUNITY (EAC II) IN EMPIRICAL CONTEXT

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UNITED STATES INTERNATIONAL UNIVERSITY

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THE INTERFACE BETWEEN SOVEREIGNTY AND THE INTEGRATION PROCESS: THE SECOND EAST AFRICAN COMMUNITY (EAC II) IN EMPIRICAL CONTEXT

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Dedication

For my daughter, Niamarie Amondi Njeru. While we sometimes fail, giving up is optional.
Declaration

This thesis is my original work. It has not been submitted to any other college or institution, other than the United States International University, for academic credit.

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United States International University – Africa
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# Table of Contents

Acknowledgments............................................................................................................. i
Dedication............................................................................................................................. ii
Declaration ........................................................................................................................... iii
Copyright ............................................................................................................................ iv
Table of Contents ............................................................................................................... v
List of Figures ...................................................................................................................... viii
List of Tables ...................................................................................................................... ix
List of Abbreviations ......................................................................................................... x
Abstract ............................................................................................................................. xii

CHAPTER 1: INTRODUCTION ..................................................................................... 1
  1.0 Background to the Study ......................................................................................... 1
  1.2 Statement of the Research Problem ..................................................................... 5
  1.3 Objectives of the Study ......................................................................................... 7
  1.4 Research Questions ............................................................................................... 8
  1.5 Significance of the Study ...................................................................................... 8
  1.6 Scope and Limitations of the Study ................................................................... 12
  1.7 Operational Definition of Terms ....................................................................... 13
  1.8 Structure of the Dissertation .............................................................................. 14

ENDNOTES ...................................................................................................................... 17

CHAPTER 2: LITERATURE SURVEY & METHODOLOGY ..................................... 18
  2.0 Concept of Sovereignty ......................................................................................... 18
  2.1 State Sovereignty ................................................................................................... 18
  2.2 Regional Integration ............................................................................................. 22
2.2.1 A Brief Overview of Integration Theories ................................................................. 22
2.2.2 Literature on Regional Integration ........................................................................... 23
2.3 Social Constructivism ................................................................................................. 28
2.4 Overview of Methodological Considerations ............................................................ 32
2.5 Data Types ................................................................................................................ 34
2.6 Data Analysis ............................................................................................................. 35
ENDNOTE.......................................................................................................................... 38

CHAPTER 3: ASSIGNING MEANING: STATE SOVEREIGNTY IN AFRICA ........39

3.0 Introduction ................................................................................................................ 39
3.1 Genesis of State Sovereignty ..................................................................................... 41
3.2 The Peace of Westphalia ............................................................................................ 42
3.3 Theories of the State .................................................................................................. 43
3.4 The Condition of the African State .......................................................................... 46
3.5 The Importance of Understanding the African State ................................................. 49
3.6 An Overview of State Formation in East Africa ....................................................... 51
    3.6.1 Pre-Colonial Africa............................................................................................... 51
    3.6.2 Colonial Africa .................................................................................................... 53
    3.6.3 Post-Colonial/Contemporary Africa ................................................................. 54
3.6.4 The Contemporary State in East Africa ............................................................... 55
    3.6.5 The African State: An Alternative Conceptualization .................................... 57
3.7 Sovereignty and the African State ............................................................................. 62
ENDNOTES ......................................................................................................................... 69

CHAPTER 4: REGIONAL INTEGRATION IN EAST AFRICA .................................70

4.0 Introduction ................................................................................................................ 70
4.1 Overview of the East African Community ................................................................ 72
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1 Laying the Foundations: EAC I</td>
<td>72</td>
</tr>
<tr>
<td>4.1.2 EAC II: Towards a Political Federation</td>
<td>74</td>
</tr>
<tr>
<td>4.2 Theoretical Dimensions of the Concept of Political Integration</td>
<td>77</td>
</tr>
<tr>
<td>CHAPTER 5: FINDINGS, DISCUSSIONS &amp; CONCLUSION</td>
<td>85</td>
</tr>
<tr>
<td>5.0 INTRODUCTION</td>
<td>85</td>
</tr>
<tr>
<td>5.2 KEY FINDINGS</td>
<td>85</td>
</tr>
<tr>
<td>5.2.1 Types of Sovereignty in East Africa</td>
<td>85</td>
</tr>
<tr>
<td>5.2.2 Speeches by Heads of State</td>
<td>91</td>
</tr>
<tr>
<td>5.3 Discussions</td>
<td>99</td>
</tr>
<tr>
<td>5.4 Conclusion</td>
<td>103</td>
</tr>
<tr>
<td>APPENDICES</td>
<td>105</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>123</td>
</tr>
</tbody>
</table>
List of Figures

Figure 1: Steps of Deductive Category Application in Content Analysis................................................................. 37
Figure 2: Topographic description of Africa from 1590 – 1800 (Courtesy of LauraHarpman.com) ................. 52
Figure 3 Broadcast of Power in Pre-Colonial African City-States and Regions ....................................................... 52
Figure 4: Possible Paths to State Consolidation ........................................................................................................... 57
Figure 5: Theoretical Model Illustrating Options Available for Regimes ............................................................... 62
Figure 6: Scale of Institutional Integration ................................................................................................................. 78
Figure 7: Code Comparison: Integration Indicator Salience in Presidential Speeches ........................................... 94
Figure 8 Indicators of Political Integration: Analysis of EAC II Heads of State Speeches 2009 – 2016.............96
Figure 9: Distribution of Political Integration vs. National Interest Indicators .......................................................... 98
List of Tables

Table 1: “Table of Extent” by Leon Lindberg (1967) ................................................................. 81
Table 2: Types of Regional Integration ...................................................................................... 82
Table 3: Status of EAC II Member States .................................................................................. 87
Table 4: Coding Mechanism for Speech Analysis ..................................................................... 92
Table 5 Categories and Codes in EAC II Heads of State Speeches 2009 – 2016 ....................... 94
Table 6: Indicators of Political Integration: Categories and Percentages ................................... 97
## List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CCC</td>
<td>Customs Collection Centre</td>
</tr>
<tr>
<td>CED</td>
<td>Customs and Excise Department</td>
</tr>
<tr>
<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
</tr>
<tr>
<td>CU</td>
<td>Customs Union</td>
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<td>EAA</td>
<td>East African Airways</td>
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<td>EAC</td>
<td>East African Community</td>
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<td>EAC I</td>
<td>First attempt at EAC, 1967 – 1977</td>
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<tr>
<td>EAC II</td>
<td>Second EAC, 1999 – Present</td>
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<tr>
<td>EACB</td>
<td>East African Currency Board</td>
</tr>
<tr>
<td>EACJ</td>
<td>East African Court of Justice</td>
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<tr>
<td>EACSO</td>
<td>East African Common Services Organization</td>
</tr>
<tr>
<td>EADB</td>
<td>East African Development Bank</td>
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<tr>
<td>EAGC</td>
<td>East Africa Governors Conference</td>
</tr>
<tr>
<td>EAHC</td>
<td>East Africa High Commission</td>
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<tr>
<td>EAITB</td>
<td>East African Income Tax Board</td>
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<tr>
<td>EAITM</td>
<td>East African Income Tax Management</td>
</tr>
<tr>
<td>EALA</td>
<td>East African Legislative Assembly</td>
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<tr>
<td>EAPT</td>
<td>East African Posts and Telecommunications</td>
</tr>
<tr>
<td>EAR</td>
<td>East Africa Railways</td>
</tr>
<tr>
<td>EARH</td>
<td>East African Railways and Harbours</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>IBEA</td>
<td>Imperial British East Africa Company</td>
</tr>
</tbody>
</table>
Abstract

Scholars and policy makers identify two major impediments to regionalization in East Africa: lack of people centeredness and inadequate political will. The first is widely addressed in academic and policy literature. The latter, political will, remains an illusionary concept. There are those who say that because of it, the second East African Community (EAC II) is doomed to meet the fate of the first. Others state that it will be overcome. But; what is it? It is a complex concept, hard to grasp and even harder to measure. One way to tackle this is by looking at the nexus between member states posturing on sovereignty and regionalization. This is the overarching objective of this study. There are scholars who argue that states which cannot broadcast power within their territories, provide adequately for their citizens or secure their borders lack real sovereignty. The deepness of integration in East Africa is also questionable. The picture that this paints is confusing, making sovereignty a topic to avoid and regionalization processes a point of contention. Using a conceptual framework anchored in hybrid integration theories and social constructivism, the actions of state leaders are analyzed to assess the level of inter-influence between member states and the second East African Community (EAC II). This is measured against contemporary International Relations (IR) theory, and more Africanized studies of the state, with the view of conceptualizing sovereignty and ideations of regionalization outside the IR field. These concepts are used as a tool of content analysis on key heads of state speeches, with the view of understanding member state attitudes towards sovereignty and the EAC II, which is making sure, albeit extremely slow, progress. This analysis of qualitative data against theoretical considerations yields surprising results. Sovereignty is not a waning concept in East Africa: it is growing, but not in the same nation-centric, xenophobic way as in Europe. There is an observable symbiotic relationship between the institutions of the EAC II and member states. The weakest states derive most of their sovereignty from the institution. Additionally, governments and heads of state have a form of comradery, which in some instances has kept unstable governments in power and provided security for even the stronger member states. In a region where borders are porous and others lack territorial integrity, the EAC II plays a reasonable role in statecraft – therefore sovereignty. These bold findings are outlined in this thesis, by studying the long history of regionalization in East Africa, reviewing available literature on the subject in Africa, assigning meaning to sovereignty in Africa and assessing regional integration. It is hoped that this study can create a platform for the questioning of the concept of Westphalian sovereignty in Africa, the assessment of the impact of colonization on the modern African state and the re-imagining on the way in which we view the African state, and by extension regional organizations in Africa.
CHAPTER 1: INTRODUCTION

1.0 Background to the Study

The current union comprising of Kenya, Uganda, Tanzania, Rwanda, Burundi and South Sudan is because of the Treaty for the Establishment of the East African Community (hereafter, the EAC Treaty) of November 30, 1999. Ratified by the three founding states – Kenya, Uganda and Tanzania - on 7 July 2000, it signaled the revival of the East African Community (EAC). It is envisioned to be achieved gradually. These steps are outlined in the EAC Treaty, which seeks to establish, “a Customs Union, a Common Market, subsequently Monetary Union and ultimately a Political Federation,” (EAC Treaty, 2002, Article 5(2). Article 5 of the treaty outlines the objectives of the community, which are meant to widen and deepen co-operation among members.

Informal integration is not new to Africa, in the sense that African systems of governance were feudal (Swai, 1984). Formal integration was introduced by founding fathers of the original three member states in the 1970s (Mullei, 2003). The British colonial government developed systems of cooperation between their colonies, not in the interests of the people, but for their own interest (Okoth, 1999). In this regard, colonial agents such as the British in East Africa established a number of common institutions beginning 1897, to create a foundation for resource sharing and management.

The post-colonial African state was founded on the premise of future unity and eventual integration (De Melo & Panagaria, 1999). However, historical obstacles have made even deep regional economic integration a challenge. One such obstacle is that regional and trade
agreements are often based on the same colonial principles, such as the nation-state (Mistry, 2000), which necessitates borders and territoriality.

The Imperial British East Africa Company (IBEA) built the Kenya – Uganda Railway in 1897 to facilitate the free movement of goods in the region. This cooperation as it were marked the first phase on the path to formal regional integration in East Africa. The initial process was driven by the possibility of increasing efficiency and profits for the colonial government. In 1921, the path to formal integration was initiated through the creation of a common free trade area, shared initially by Kenya and Uganda, and later Tanganyika in 1923 (Nyaribu, 2005). Significant development in this area occurred in 1948 when the East African High Commission (EAHC) was established (Musuya, 2011). It performed the dual function of administrative management and policy-making, enacting laws for East African Railways and Harbors (EARH), East African Post and Telecommunications, (EAPT), East African Income Tax Management (EAITM), the Mechanism for Revenue Allocation (MRA) and Makerere College (Adar & Ngunyi, 1994).

The EAHC was disbanded in 1961 following Tanganyika’s independence and in its place (Nyaribu, 2005), the East African Common Services (EACSO) emerged to oversee the operations of external trade, transport, communications, university education, as well as fiscal and monetary policies. Subsequently, a Permanent Tripartite Commission for East African Co-operation was formed in 1967 which fostered East Africa Community (EAC) through a treaty for East African Co-operation that was signed in 1967 (Mangachi, 2011).

This marked the beginning of an elusive process to form a political federation¹. The first attempt at regional integration in East Africa, (herein referred to as EAC I for purposes of delineation), begun to unravel when Tanzania refused to recognize Idi Amin’s regime in Uganda, following
the overthrow of Milton Obote. Charles Njonjo, then Kenya’s Attorney General, summarized the country’s position as one that recognizes states and not governments (Adar & Ngunyi, 1994). This marked the beginning of fallouts in the EAC I, fallouts which can be traced back to differences in foreign policy, ideology and faults in the regional system’s structures. Hitherto, resource sharing, shared institutions and common markets had been uniting factors.

There were a number of issues, which contributed to the collapse of EAC I in 1977. Among these were sovereignty concerns and differences in ideology (Nyong’o, 1990). Fragile governance and inadequate compensation mechanisms also played a part.

Determined to revive the process of integration, heads of state of the founding members met in 1993, with the objective of reviving the community. They formed the Permanent Tripartite Commission (PTC) for East African Cooperation on 30 November that year and established a secretariat for it the following year (Mangachi, 2011). In 1999, the three heads of State of Kenya, Uganda and Tanzania signed the EAC treaty reviving the East African Community (herein referred to as EAC II, when differentiating between the first and second phases). This Treaty came into force on 7 July 2000, with Rwanda and Burundi formally joining the East African Community, after the fifth extraordinary summit of the heads of state signed the treaties of consent (Ovonji-Odida, 2010). Their membership took effect from July 1, 2007. South Sudan, the newest and youngest member was admitted to the EAC on 15 April 2016 when it signed the Treaty of Accession in Dar es Salaam, Tanzania.

This illustrious history of the EAC is central to this study due to the variation and depth of integration, which has taken place over time in East Africa. There have been other failed attempts at a political federation in the region. As an example, during pre-independence East
Africa, the Ormsby-Gore Commission considered the possibility of a united Tanzania, Uganda and Kenya (Mangachi, 2011), then again in 1928 (Delupis, 1970). These, arguably, were involuntary efforts as the citizenry was not privy to the discussion. In the post-independence period, there were other attempts that faced opposition from various quarters (Adar & Ngunyi, 1994).

Thereafter, the leaders of the three countries focused on more feasible areas of finance, freedom of movement and trade, avoiding the complex concept of a central or common political authority (Mangachi, 2011). In fact, Article 5 of the EAC treaty states that, “a political federation is the ultimate goal of the EAC Regional Integration, the fourth step after the Customs Union, Common Market and Monetary Union” (EAC Treaty, 2002, emphasis added). It is expected that the states and the organs of the EAC concentrate on the first three phases in the integration process first. This is reasonable, as economic integration can lead to deeper integration and political integration. In 2004 the EAC II Head of States Summit appointed a committee (the Wako Committee) to look into pushing towards a political federation (Mangachi, 2011), illustrating the need to move the EAC into a political federation (Adar, 2010).

Why are there challenges facing the economic aspects of cooperation in the EAC treaty and delays in working towards a political federation? Ajulu (2010) contends that a shared political authority is essential for regional economic integration. This would suggest that the starting point of an integration process that can lead to a political federation would be successful economic integration. To appreciate this perspective, is necessary to examine the vision behind the EAC by raising certain questions. What was the purpose of creating the regional bloc in the first instance and the second instance? What are the challenges that have faced regional integration in East Africa?
Historically, EAC regional integration has been approached in a top-down manner, disallowing opportunity for direct participation of East Africans and focusing on the state (Adar, 2008a) which seems to be inconsistent with Article 7 of the EAC treaty which set out to create “a people-centered” process.

While EAC II should work well in theory, since some of the challenges have been addressed, and attempts made to make it inclusive through various committees and mechanisms, Adar (2008a) postulates that the solutions presented are not enough to deal with the systemic problems of the EAC. As an example, there have been steps - such as the formation of the East African Legislative Assembly (EALA) – aimed at ensuring that the citizens of the various countries are represented, which have failed to have an impact due to lack of separation of powers and the influence of the various executives (Wanyande, 2005). Nyong'o, (1990) theorized that EAC I made a lot of “economic sense,” but failed politically, as there were fears of national sovereignty and ideological divergence among partners.

The success of regional integration has economic, social and political implications for member states.

1.2 Statement of the Research Problem

The study examines the issue of sovereignty, in relation to the EAC II and its implication for regional integration in East Africa. Each of the six member states has citizens, who delegate their sovereignty to the state ‘managed’ by their respective governments. While levels of democracy and legitimacy of governments in the region is contestable, in theory these governments – through their various organs should represent their people and allow for inclusiveness in decision-making. The Kenyan Constitution for instance, states that sovereign power belongs to
the people (Kenya, 2010). The other arms of government at the state and regional levels – the legislature and judiciary - should balance state sovereignty and influence at the regional level. However, the nature of the executive in East Africa has meant that ultimately, foreign policy is a preserve of the elite.

In theory, the EAC II is transforming into a regional sovereign organization since member states have relocated some of their duties and functions to the intergovernmental body. In so doing, they transfer “aspects of their sovereignty through treaty obligations” Adar, 2011:19). This, to some (Brace & Hoffman, 1997), signals the end of sovereignty, certainly of state sovereignty in the authoritarian and territorial sense. How does this transformation affect governance and sovereignty, from the perspective of the executive arms of governments? Moreover, what are the observed signs of Eastafricanisation3 or practical transfer of sovereignty? Is regional integration leading to state sovereignty dilution or is state sovereignty impeding functions of EAC II?

States, have a nonpareil role in international politics as units of analysis (Cooley & Spruyt, 2009). While Krasner’s (1999) groundbreaking book, Organized Hypocrisy illustrates valid assumptions affecting the changing nature of the state, on the assertion that states can no longer claim exclusive access to force or the influence to control borders, there has been no other viable alternative to the state in international politics. The strongest international and regional cooperation bodies – from the WTO, UN and the EAC, which is the focus of this study – are constituted, funded and able to run because of and in spite of states. The EAC is an intergovernmental organization (Adar, 2011), which derives its mandate and any shared sovereignty from the state. There is a growing tendency for international organizations – especially those that do not derive shared sovereignty from these states - to operate without state
support. Undisputedly, even these organizations must voluntarily agree to cooperation with states, if only because even the weakest of states have access to force and legal sovereignty.

That the nature of the state and sovereignty is changing is not in dispute. The question is, to what extent and in what ways? To bridge this information gap, the core question this study aims to ask is: What does sovereignty mean in East Africa and how does it influence integration processes in East Africa? This is a subject, which is inexhaustible. Owing to the unique politico-cultural situation in East Africa, there is need for renewed focus on this question, with singular focus on Africa’s oldest informal and formal regional grouping.

The exposition in the study required looking at the regional integration from the angle of state sovereignty, and dissecting the constituent parts, which resulted in the following questions: Why did the East African states agree to integrate? What are the future chances of Eastafricanisation? The broader discussion around regional integration in East Africa is biased towards making the regional bloc work for economic success. This is on belief that following the benefits of economic integration, with the view that it will gradually lead to democracy and socio-economic benefits for African citizens. This school of thought, reminiscent on economists Bela Belassian’s theory of integration, envisions a situation where states no longer require strong nationalistic or territorial ideals.

1.3 Objectives of the Study

This study explores the nexus between state sovereignty and regionalisation in East Africa, by analysing processes, scholarly articles and rhetoric applicable to the second East African Community (EAC II). Central to the study is the premise that member state conceptualisations of sovereignty are a determining factor in the level of integration and its overall success.
The specific objectives of the study were to:

1) Examine the level to which classical and contemporary models of sovereignty can be applied in explaining the nature of member states in the EAC;
2) Understand the meaning which EAC member states assign to sovereignty and levels of Eastafricanisation;
3) Outline the measures, which might be taken in ensuring that state behavior, does not hinder regional integration.

1.4 Research Questions

1) How is sovereignty operationalized by East African Community member states?
2) To what extent has sovereignty influenced regional integration in Eastern Africa?
3) How can an understanding of sovereignty explain the challenges facing the EAC?

These questions arose from the awareness that the East African states stand accused of putting emphasis on state sovereignty and undermining the progression of EAC II. This is referred to as variously as “lack of political will” or “slow progress.” The study is based on the premise that the African state and the conceptualisation of sovereignty by political leaders in Africa are unique and require dissection. It could be argued therefore that overlooking state sovereignty is hampering efforts to find solutions to problems facing the EAC II. One consequence of this reality is that member state conceptualisations of sovereignty and regional integration will continue to inform the level and depth of integration in East Africa. At the same time, states which are weak or failing draw some sovereignty from regional and international bodies.

1.5 Significance of the Study

Africa, with its newly acquired central governments and former feudal systems of governance was assumed to be stateless (Swai, 1984), and in many ways has had Western systems of political thought introduced in a revolutionary manner without much consideration for prior systems of governance and existing political culture. It is therefore significant to study state
sovereignty, with the view of understanding how notions of contemporary sovereignty affect statehood and therefore EAC member state behaviour.

In an increasingly pluralistic world, where voluntary cooperation is the norm and globalization an empirical reality, the concept of sovereignty and its position in relation to the state is increasingly complex (Koskenniemi, 2013). In East Africa, the process of regional integration is as old as the idea of the nation-state itself, having begun informally when the constituent founding EAC states were subjects of colonial states in the international political system (Delupis, 1970). Why do states, often routed in realist ambition and full of rhetoric about sovereignty, choose to integrate? From the perspective of liberalism and post-modernism, it is to create opportunities for growth and cooperation. Haas (1970) theorised that it might be to increase their reach or fuel the ambitions of political leaders, such as Otto von Bismarck or Hitler. It is clear that the reasons are not as simple as they would appear; the very action to join political federation is a political one, and therefore fuelled by self-interest in some form. Man is indeed a political animal (Morgenthau, 1993). This very thought necessitates a review of regional integration. It also calls for an answer to the question of why states in East Africa are choosing to share or to relinquish some of their sovereignty in some instances and refusing to do so in others.

When nation states join an economic bloc, or a more formal treaty such as the EAC, it is inherent that they give up some sovereignty for the common good by transferring sovereignty to central organs (Adar, 2011). Still, political values and ethics influence a nation’s ideas on sovereignty (Wunsch & Olowu, 1990). The notion of sovereignty is continuously in flax and review, with some scholars claiming that it is obsolete or needs to be thoroughly revised (Hoffman, 1997). In a region where the personalities of leaders are closely entwined with the institutions and identity
of the state, it is important to examine sovereignty in the African context and its impact on regionalism. It is almost a taboo to hold authoritative views of sovereignty (Steinberg, 2004), and in some cases derisory to engage in an introspection of state sovereignty (Hoffman, 1997), but it must be done. The current state of the EAC, state practice and realpolitik demand it. What other plausible reasons are there for what is currently happening in the European Union, concerning member state attitudes towards refugees or the British voting to leave? How else can we explain what has been referred to, as “lack of political will” or implementation in the EAC? It might be skewed notions of sovereignty, driven by neopatrimonialism or conceptualisations of state sovereignty which are remnants of classical or traditional models of post-colonial operation.

The gradualist approach of economic integration, credited to Prof. Bela Balassa (1961), should encourage ease of implementation and coordination of regionalisation processes. The EAC II, through its four pillars, is based on such an approach. There have been a number of advances in the first two areas of cooperation, namely: the East African Customs Union (EACU) and the East African Common Market (EACM). The East African Monetary Union (EAMU) is set to follow. In theory, the East African Political Federation (EAPF) should follow the EAMU, but the EAMU and EACM have been conceptualised but yet to be fully implemented, since businesses and people still face country specific restrictions. This gives credence to the observation that monetary union is difficult to implement without political unification (Balassa, 1961).

The initial first three pillars, such as the customs union as well as free movement of people are being worked out on a policy level but are in disarray. What are the chances of the even more contentious political federation, if this systematic process of integration is followed? Perhaps, the hypothesis of realism is not something that is outdated. An analysis of state sovereignty could lend an understanding to the process of integration in East Africa.
One of the biggest challenges to the EAC is sovereignty (Vidmar, 2015) and the accompanying perceived loss of national identity, flexibility in exercising powers and loss of power (EAC, 2011). The impact of integration on economic growth and development remains visible, as well as the related benefits of the EAC to markets, citizenry and development (EAC, 2011). People-centeredness, viewed as an impediment to EAC I, has been addressed in EAC II through the EALM and frequent information drives, to educate East Africans. Still, the principle of people-centeredness is yet to be implemented successfully (Walsh, 2015), ostensibly because of a focus on state-led integration.

This scenario paints one disheartening picture: in an increasingly interconnected world, the state as a sovereign entity, sanctioned by its citizenry and capable of acting on its behalf in their best interest for maximum gain has been relegated to an observer at worst and operational necessity at best.

This thesis builds on existing studies and theories of the state in Africa to add empirical information on the interpretation of the concept of sovereignty in East Africa and its impact on regional integration. It seeks to explore the intricacies of statehood in a region, which may be facing a change in the balance of power as natural resources are discovered in EAC II member states. There is need for further research on whether, as Petrus D. Kock asserts, “it is an understatement that the African state has to be imagined a new” (Kock, 2010: 31). If the African state requires reconceptualization and has been neglected in studies (Bach, 2005) on regional integration, it could suffice that theories on sovereignty have not been adequately analysed from an African standpoint. Sovereignty is not a static concept, but a dynamic one often influenced by national interest, ethno-nationalism (Oloo, 2007) and self-interest which have negative impact in efforts aimed at achieving progress in EAC II (Nabadure, 2006). Given this reality, it is
important to analyse a multi-faceted view of sovereignty, without writing-off divergent views of the concept. The general, revolutionary position on sovereignty reads thus:

Treating sovereignty as an absolutist or zero-sum manner precludes effective analysis of the complex impact of European integrations on the state and society. A pluralistic approach, treating sovereignty as a multidimensional concept, is more fruitful but the term still needs to be analysed in conjunction with concepts such as power, legitimacy and particularly, autonomy (Lynch, 1997:57).

The very nature and existing theories of regional integration mean that in some ways, nation states are the very antithesis of deep integration. In creating the EAC I, the founding leaders of the state declared, “...we pledge ourselves to the political Federation of East Africa ... we are nationalists and reject tribalism, racialism, or inward looking policies,” (in Nabadure, 2006:5). Did this statement in the creation of the EAC I and; the principle calling for a people-centered approach while aspiring to a political federation in EAC II imply an understanding that state sovereignty would need limiting? If so, how can the challenges in implementing EAC II be explained? If not, what is the East African understanding of the concepts of sovereignty and regional integration?

1.6 Scope and Limitations of the Study

The presidents of EAC I, were from the outset, driven by a desire to create a “political federation as a springboard for regional integration,” (Adar, 2011). EAC II implicitly aspires to a political federation (EAC Treaty, 2002, p. Article 5). This study examines the status of regional integration, particularly in relation to the issue of political federation in order to assess the correlation between state manifestations of sovereignty and the progress made towards achieving the goals of EAC II. To reach this goal, the study looks at the linkages between existing theories and research, the demands of the EAC treaty and member state behaviour.
Of particular interest to the study on the issue of state sovereignty in East Africa are Kenya, Uganda, and Tanzania. This is because they are the original signatories of the treaty, and have the potential to provide useful insights into why and how states choose to cooperate through legal and political means. While Rwanda and Burundi are assessed in some section, they are limitations as they do not share the same historical pattern of integration with the other three. The study of South Sudan is limited, as it joined the EAC II while this study was underway, and is currently facing grave threats to its very constitution.

The fact that the main source of data for the study is of a secondary nature might also be regarded as a limitation. It can be argued however that an understanding of the social reality of sovereignty is best captured by assessing the findings of scholars and researchers over a period time. While the study does not set out to employ inductive methods of analysis, the role it can play in the development of analytic models for the study of sovereignty in regional integration in Africa is promising.

1.7 Operational Definition of Terms

It is a testament to the controversial and malleable nature of constructivism’s theoretical tradition, that few scholars attempt a detailed and statistic definition of the term. Based on this understanding, *constructivism* in this study is a model based on the premise that structures in the international system are social in addition to being material. These structures are governed by a discernible reality steeped in norms, values and identities. Therefore, the actions of the structures can be conceptualised and interpreted through empirical analysis.

As used in this study, *state* is a domestic community, which is able to legitimately use force within a defined territory to enforce rules (Weber, Henderson, & Parsons, Max Weber: Theory of
Social and Economic Organization, 1947) and manage its polities domestically and internationally because of legal sovereignty, which it is accorded by international law. Further, based on contemporary models, the state has to be recognised by other states in the international system.

By way of comparison, a **political federation** is a constitutional relationship (Adar, 2005:82) in which two levels of government have separate levels of decision-making (Ursula, 1978). States choose to willingly enter into legally binding political communities, which allow them to retain their equality and autonomy within the grouping (Cohen, 2011). The federation is not a replacement for the state as a unit, but instead a way for the state to operate on a larger scale and amalgamate its resources (Elazar, 1987). It can be the next step of an economic integration process, if the states in this agreement cede some of their political sovereignty (Maruping, 2005). In essence, they are legal state entities, entered into by way of treaties that do not alter the constitutionality of the states entering them. This is sometimes referred to as a confederation (Cohen, 2011), unless the states choose to make the situation permanent. Based on the reality of the EAC, the term political federation is used.

Nye (1968) categorises **integration** into three: economic, social and political, positing that integration is a situation where a number of states come together within a geographical region for mutual interdependence. Lindberg (1963) notes that it is a process, whereby states choose to delegate decision to a central authority while Adar (2005:30) postulates that integration is a formal conscious process, occurring within geographically defined groups for mutual benefit.

### 1.8 Structure of the Dissertation

**Chapter One: Introduction**
This Chapter is a general introduction comprising of a background to the study, the identification of the research problem, and providing justification for the study while locating it within existing literature.

**Chapter Two: Literature Review**

This chapter is an analysis of current thinking on the intersection between regional integration, and the state globally. It then looks at Africa and East Africa in particular in an attempt to locate the key questions of this study within existing literature. It provides a brief overview of literature on sovereignty, regional integration and social constructivism.

**Chapter Three: Assigning meaning: State Sovereignty in Africa**

Due to the nature of the study, a detailed account of state sovereignty in international relations is attempted. It looks at the pre-colonial and post-modern constructs of the state, and traces the historical formations of the African state. It looks at the role, which the state has played in the area of provision of security, territorial integrity, use of force – sometimes for the protection of its citizens and sometimes against its own citizens – and the authority, which the state can still claim to hold.

**Chapter Four: Regional Integration in East Africa**

Chapter 4 is an exploration of theoretical assumptions on regional integration, with specific focus on the East African experience. The study begins by looking at providing a connection between theory and practice in international relations. Using a theoretical framework based on Joseph Nye’s work, the study provides a basis for analysis in chapter 5.

**Chapter Five: Findings, Discussion and Conclusion**
This is the concluding chapter of the study, and provides an overview of the key findings from chapters 2, 3, and 4, as well as an overview of the content analysis carried out throughout the study.
ENDNOTES

1 Ernst Hass refers to a political federation as the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new center, whose institutions possess or demands jurisdiction over the pre-existing ones. For a detailed explanation, review Haas, Ernst, 1958. The Uniting of Europe: Political, Social and Economic Forces, 1950 – 1957. California: Stanford University Press.

2 Adar (2011) discusses the concept of Eastafricanisation, citing examples of member states heeding directives from EAC II organs and changed policy or certain decisions in the individual countries. Eastafricanisation is a process whereby member state domestic organs, laws and policies are influenced or even directed by decisions coming from the EAC, a central policy and decision-making organ. This state is achieved as sovereignty continues to be shared between member states and the EAC, eventually taking root in member state institutions and laws. It is founded on the principles of “shared sovereignty” and “pooled sovereignty”. Review Schmidt, Vivien A. 2004. “The European Union: Democratic Legitimacy in a Regional State?” Journal of Common Market Studies 42(5): 975-997 for “shared sovereignty” and Keohane, Robert O. and Stanley Hoffmann. (eds.) 1991. The New European Community. Boulder, CO: Westview Press for “pooled sovereignty.”

3 See Adar, Supra, Note 5

4 On 17th June, 2016 one of the world’s biggest humanitarian international organizations, Médecins Sans Frontières (MSF) announced that it would no longer accept funding from the European Union, citing its “dangerous” policies on immigration. The organization, along with other smaller charitable agencies in Europe have been responding to thousands of immigrants risking their lives to cross into Europe, sometimes at the risk of imprisonments and other forms of state reprisals. This is a signal that large non-state actors are increasing their influence in international politics, by way of influencing policies and due to larger budgets. Full Statement here: http://www.msf.org/en/article/20160617-eu-states%E2%80%99-dangerous-approach-migration-places-asylum-jeopardy-worldwide

5 The principle of evolution versus revolution appears to be the core of Africa’s state dilemma. Evolution is a situation where an organizational set up goes through a period of sustained changes and growth, with slow implementation of changes whereas, in a revolutionary set up, changes are introduced at a fast pace, usually in response to turmoil or external forces. In political science, Johnson Chalmers, Revolutionary Change (1982) offers more insight into why societies revolt and the implications for these societies.

CHAPTER 2: LITERATURE SURVEY & METHODOLOGY

2.0 Concept of Sovereignty

This section provides a brief overview of the literature on the concept of sovereignty, with emphasis on state sovereignty, which has been an elusive and polemical concept among scholars in the fields of history, anthropology, and international relations. An in-depth coverage of the relevant literature on the concept is presented in Chapter 4. In choosing to analyse state sovereignty, this study acknowledges it has adopted a realist leaning, without being realist, as it aims to understand regional integration. Normatively, it is repulsive to think of a world based purely on self-interest, yet a study of the state cannot be objectively applied, if one starts out by rubbing the oldest theoretical position in international politics. For purposes of analysis, and in an effort to identify the challenges in the EAC II, it is appropriate that the state be regarded as the unit of analysis used in the study, which requires relevant review.

2.1 State Sovereignty

The discussion on sovereignty (state sovereignty) and regional integration in East Africa does not provide a comprehensive empirical analysis of the nexus between sovereignty and East Africa. This is as in the study of regional integration in the field of international relations; the African experience has not been widely explored. Daniel Bach explains that unless it is in Africanist literature, “African regionalism is rarely mentioned,” (Bach, 2005: 172). This is not to say there is no direct literature on the African experience from which to make deductions.

Scholars who write about sovereignty can be broadly divided into three categories: the first consists of scholars who believe that sovereignty is outdated and should be replaced by a more enlightened concept; the second category is made up of researchers who believe that state
sovereignty is central to the way the international system works; thirdly, there are those who think that the concept of state sovereignty needs to be reworked. Jacobsen, as cited in Camilleri (2008:37), used the terms “end of sovereignty”, “centrality of sovereignty” and “qualification of sovereignty” to analyze the concept.

Jean Bodin is believed to be the first Western theorist to use the term sovereignty in his book, *The Six Books of the Commonwealth*. During a time when France was divided along the lines of the nobility, the Church and commoners, he postulated that the sovereign (ruler) had the right to declare law. In the classical tradition, state sovereignty enabled a few rulers to manage, unify and dominate vast sometimes-volatile territories, for the greater good. The philosophers at the time, as all good scholars might, looked for solutions to their observable problems which were mainly great dividedness and uncertainty in Europe. Such conditions are unlike the conditions in certain parts of the world, and in some parts of East Africa today. Hobbes (1991) opined that the sovereign had absolute power and was the supreme authority. The state acted on behalf of the citizenry to ensure their success. Sovereignty, beginning as an absolute authority developed to something of a system of cooperation. According to Burchill (2009), Locke theorized that citizens relinquish part of their sovereignty to the state voluntarily and pushed for limits on sovereignty.

The introduction of the concept of a social contract by Rousseau (1761), an important reference for liberalism, is a reminder that the state is responsible and derives its sovereignty from the citizens. This is contrary to the traditional realist view of the state as having unlimited authority to use force, as long as this would ensure security and regardless of what freedoms would be lost (Machiavelli, Bondanella, & Bondanella, 2008).
Western classical accounts of sovereignty are rooted in absolute authority of the state (Lynch, 1997), based on governing a homogenous territory (Murphy & Stoica, 2015) and on a central government having monopoly on force for the greater good of the polity (Hobbes, 1991). Similarly, traditional African society closely tied sovereignty to territoriality, although authority and “power” was limited through advisors and the fluidity of the clans (Ahmed, 1984). This authoritarian and absolute view of sovereignty is enshrined in the concept of Westphalian Sovereignty, advanced in 1648, at the Peace of Westphalia (Murphy & Stoica, 2015). Evolving from an era where God created laws and appointed sovereigns (Zucca, 2015), realism provided for a stable society based on governments acting in the best interests of the state in an anarchical international system (Morgenthau, 1993).

Bartelson (2006) observes that (state) sovereignty, a notion largely accepted in classical thought and theory, is now disputed. Krasner (1999) argues that statehood could never have been about control of territory but authority. He outlines four main conceptions of sovereignty in international relations: legal sovereignty, interdependence sovereignty, domestic sovereignty and Westphalian sovereignty. With the proliferation of democratic principles and a marked increase in exposure of internal conflicts and domestic state-sponsored tyranny, the focus has shifted from studying sovereignty with the state as the unit of analysis, to looking at the humanitarian and legal impact of unrestricted state authority (International Commission on Intervention and State Sovereignty (ICISS), 2001). It appears that “sovereignty as responsibility” (Deng, 2010), Eastafricanisation and state sovereignty as a weakening concept in international politics (Brace & Hoffman, 1997) are the future trends in the study of sovereignty, especially in relation to regional and international cooperation efforts. Again, the common theme here is that states are stabilizing blocks to growth and progress (Nabadure, 2006). It would seem that the most obvious
thing to do would be to declare sovereignty outdated and medieval, and move forward in forging a new unified way of operating in the international system.

The post-modernist rhetoric has it that there is no place for nation centric policy and especially sovereignty in today’s society. Boutros, Boutros Ghali, Secretary General of the United Nations went as far as to say that theory on state sovereignty had never been grounded in reality (United Nations Security Council (UNSC), 1992)⁷. Taking a legalistic approach, Jean Cohen asserts that post-modernists and pluralistic discussants in international relations who are tired of the extreme points of views put forward by the cosmopolitans⁸ and realists in attempting to find a middle point (Koskenniemi, 2013). This kind of thinking promotes non-hierarchical leadership, the extremes of which call for the abolition of state borders and the state as the unit of analysis. Indeed, this is a line of thinking, which is plausible but requires careful analysis whether you think of the international political system as an anarchical or pluralistic one.

It is clear, in theory and practice that there is a decline in the acceptance of state sovereignty, due to the plurality of other actors in international affairs (Bartelson, 2006). In fact, the term “state sovereignty” is to some an illegitimate phrasing of terms (Hoffman, 1997). E.H. Carr predicted before the Second World War, that the concept of sovereignty was to become even more blurred (Weber, 1995). It seems we are at the end of an age where absolute sovereignty was guaranteed based on primal fear and the guarantee of some protection as illustrated in Hobbesian thought and Machiavellian principle. In essence, international treaties and regional organisations, such as the EU have limited the reach of states and are redefining sovereignty (Philpott, 2001).

Is this a foregone conclusion routed in reality and applicable to East Africa? A lot of the literature available on state sovereignty is from the areas of international law and humanitarian
law. In International Law, each state has a right to its autonomy (Brownlie & Crawford, 2008). This presents a quagmire for the international relations or international politics scholars as sovereignty has been critiqued in international law since the late 1800s (Koskenniemi, 2013) and is thoroughly disputed by humanitarians seeking to provide alternatives for citizens in despotic states. Theories on the nature of the state are either:

1) Normative (Ahmed, 1984), implying a moralistic and ethical predisposition in the search for the greatest good;
2) Realist in nature (Weber, 1995), alluding to the brute realities of navigating a complex international system and ever changing domestic political system.

At the centre of this discussion on sovereignty, specifically state sovereignty are three pillars: authority, territoriality and supremacy (Murphy & Stoica, 2015). In light of recent developments in intervention and international law, the question now is: is state sovereignty a necessary condition for the concept of the state? If so, what does it mean? The starting point could be that sovereignty is not a state-centric construct, but a social one (Brace & Hoffman, 1997).

In summary, the concept of state sovereignty in Africa has mainly been studied in the context of human rights specifically with the view of understanding how interventions can take place in situations where the state is the aggressor (International Commission on Intervention and State Sovereignty (ICISS), 2001).

2. 2 Regional Integration

2.2.1 A Brief Overview of Integration Theories

Theories of integration have their modern foundation in the work of David Mitrany and Ernst B. Haas. The two are credited with developing the theories of functionalism and neo-functionalism
respectively. These are the two major theoretical strands in institutionalism (Kaupi & Viotti, 2010). Mitrany believed that technical experts working together as opposed to politicians would solve the problems of modern states. It was assumed that by virtue of their successes in non-political areas, political leaders would be motivated to allow the application of logic in other areas. In this way, Mitrany predicted that the sovereignty of states would be gradually eroded, heralding an era where states would not look inward but outward.

Karl Deutsch introduced the idea of regional integration as a source of common security (Nye, Comparative Regional Integration: Concept and Measurement, 1968), analyzing the situation in Europe and developing what was a theory of interconnectedness. Deutsch considers the nation a failure, primarily because of the kind of violence which is perpetrated in it, while acknowledging that it is, “the most powerful human instrument ever developed in the course of history for getting things done” (in Drulák, 2014: 334). Deutsch’s central hypothesis is that the ‘nation-state’ maintains control of domestic events, but is unable to control international events. Deutsch’s ideas are crucial to this thesis as he observed events from a worldview, which might be similar to what an East African scholar is expected to do today. His work on political communities is highly relevant and applicable to the people-centeredness principle and the theoretical aspects of EAC II.

Neo-functionalism, which has been credited to Haas (Kaupi & Viotti, 2010) reintroduced the importance of politics to the concept of institutional processes, arguing that it was impossible to divorce decision makers from processes. Haas was also an early constructivist, as he argued that actors did influence processes.

2.2.2 Literature on Regional Integration
Literature on regional integration centers on the challenges inherent in creating a unified approach to integration: lack of political will, competing interests at national level and inculcating popular participation. Oyugi (2010) has argued that the core problem is not sovereignty but the decision to focus on the Westphalian model of sovereignty. This school of thought lends credence to the supposition that a state which has never had full control of its borders (Joffe, 1999) or of the flow of people cannot claim exclusivity to territorial control and thus sovereignty.

Regional cooperation in Africa is as old as societal organization on the continent (Ahmed, 1984). Cooperation in Africa is founded on Pan-Africanism (De Melo & Panagaria, 1999), whose ultimate objective was African unity. Indeed, a political federation is implicit in the EAC Treaty (EAC Treaty, 2002). This is quite an interesting perspective and has great implications for theory and practice as it suggests that the member states joining the integration process are committed to political unification. It is contrary to popular regional economic integration theories, such as that of Kenichi Omhae (1995), which suggests that economic integration leads to the end of the nation-state. This school of thought implies that political unification, when it becomes a reality, will be a by-product of economic successes and not an intentional process initiated by state machinery or as an evolution of sovereignty sharing.

EAC integration is quite deliberate. Contemporary EAC integration processes can be traced to the 1960s, when the pressing question was what would be the best means by which to attain African integration (De Melo & Panagaria, 1999). Julius Nyerere and Gamal Adbel Nasser advocated for a “step-by-step approach” towards African unity (Elias, 1965). From this, it can be deduced that all African states, coming from decades of colonial repression, were founded on the
premise that they would eventually come together. Such thinking likely informs the EAC II, which has in the past been reproached for not being “people-centered” (Adar K. G., 2008b).

Regional integration is a gradual process, based on the foundation of equity and a better environment for citizens and an opportunity for states to increase their bargaining power (Langehove, 2008). The use of the word “ultimately” in the EAC Treaty to signify the transition from the first three pillars of integration: Customs Union, Common Market, Monetary Union, to a Political Federation, infers that this was the final goal, intended to be reached after the first three pillars have been reached.

International politics, like all politics is a political decision (Morgenthau, 1993). It is implicit that international cooperation and especially regional integration is rooted in the realities of actors (Zehfuss, 2002). While regional integration is a preserve of the state (Fawcett, Regionalism from an Historical Perspective, 2005), traditionally, the state was the dominant actor and in East Africa, appears to have a relatively strong hold on inter-state actions, if the crisis of implementation in EAC II is taken at face value. Because the African state is relatively new, it is not a surprise that ceding any economic or political control could be viewed (by state craft and political leadership) as undermining state sovereignty (Lumumba, 2009). Mukandala (2000) argues that integration is at odds with notions of sovereignty, adding credence to Nyongo’s (1990) observation that the first attempt at EAC Integration was hampered by fears about loss of sovereignty and poor policy formulation. Nyong’o gives three conditions for integration to work: political will, suitable development options for states and short-term loan pay-offs. There is some consensus that regional integration in East Africa failed because of sovereignty manifested through self-interests (Katumanga, 2005), lack of political will, emphasis on top-bottom implementation (Kasajia, 2004) and ideological differences (Mangachi, 2011).
There are scholars who believe that regionalism does not need to hamper sovereignty, depending on the deepness of integration. It does however, change the way a federation is conceptualized. In theory, the central and regional governments still has the potential of maintaining exclusive jurisdiction (Riker, 1964). There are two levels of governance, under regionalism: ruling presaged upon specific areas and that concerning a group of people with a guarantee of autonomy over their jurisdictions. In this context, none of the units are subordinate to the other (Walts, 1966), and as such the sovereignty of member states is preserved (Bednar, Eskridge, & Ferejohn, 2001).

In practice, such a development signals the end of the era of the state, based on the law of economics and envisioned by champions of regional economic integration. Again, the common refrain in response to this scenario is the proposition that dealing with the question of sovereignty (Muthamia, 2012) might improve chances of regional integration succeeding.

Sovereignty is understood as being at the core of Africa’s conflict problems (Minde, 2012), and has been extensively studied from this angle. From this perspective, it can be an impediment to progress, unless governments can also take responsibility for their citizens (Deng, Kimaro, Rothchild, & Zartman, 1996). In the East African context, with the addition of three new members, Burundi, Rwanda and South Sudan, the issue of the national interests, values and aspirations is once again at the fore. In addition, there has been disquiet about Tanzania, and the assertion that Kenya, Rwanda and Uganda are acting as a separate block. More so, the recent instability in Burundi has reignited the debate about intervention.

Why do the EAC member states choose to integrate at all – and even expand? In the second attempt at integration, the EAC explicitly aspires to a “political federation” (EAC Treaty, 2002),
perhaps as a solution to unify member states and encourage people centeredness (Adar & Ngunyi, 1994), perceived to be a fundamental problem with EAC I.

The problems with integration in East Africa are due to lack of implementation, lack of “political will (Nyong'o, 1990)” and self-interest. This in essence signals problems with the state. Some have argued that the African state is built on the “violence” and self-interested foundations of the colonial state (Kock, 2010).

As the cold war ends and international tensions reduce, states are increasingly under pressure from other actors in the international system. Farrell, (2005:2) supports this view and states that regionalism is a response to globalization and not limited by geographic region. Instead, it is influenced by the motivations and strategies of actors – state and non-state. This conclusion implies that non-state actors have an almost equal role in regional integration.

In Africa, it is arguable that state sovereignty is one of absolutism (Meredith, 2006), due to cultural dynamics and the colonial legacy (Kock, 2010) of the nation state. The African state lacks people centeredness and even with reforms in member state constitutions such as the Constitution of Kenya 2010, authoritarianism continues to be a major issue (Wunsch & Olowu, 1990).

A positive development is the awareness by African leaders that sovereignty is a possible solution to cross cutting problems (Farrell, 2005) that can strengthen their own legitimacy in a context with competing non-state actors, border polarity and lack of resources. Governments cooperate as the Westphalian model of sovereignty is increasingly under attack, and legal sovereignty is required to maintain a monopoly on international legitimacy and domestic power. (Slaughter, 2004).
The EAC treaty provides for sovereignty (EAC Treaty, 2002, p. Article 6). The way in which sovereignty is approached and viewed is crucial to the success of the EAC (Nabadure, 2006). Practitioners in international relations such as Joffe (1999) and postmodernist scholars allude to the proposition that there is need to rethink the Westphalian model of Sovereignty which is a monolith in constitutional conceptualizations (Koskenniemi, 2013). It also appears to be contradictory to African cultural models of sovereignty, which were fluid, and akin to feudal systems, based on common ideologies (Oyugi, 2010).

State sovereignty has been defined as the complete authority, which a state is allowed and expected to have within its borders and people (Weber, 1995) and limited to a state dimension (Lynch, 1997). With reference to the post-colonial period, it would appear that states have a defined territorial element, allowing jurisdiction over its citizens and conferring legitimacy of states through the recognition of other, more powerful states. This is especially true from a legal and humanitarian perspective but may not always hold true in the political sense, especially where a government has no ethical authority or capabilities (Krasner D. S., 1999).

For the purposes of this study, the discussion on sovereignty is confined to state sovereignty, which localizes sovereignty within the era of the modern (post-colonial) state and to nationalism. This study expounds on this concept, by exploring it as one of the research questions. There is need to establish a link between theory and political practice to understand the senses which the political leadership assigns meaning to the concepts of sovereignty and regional integration.

2.3 Social Constructivism

Three integral aspects were instrumental in the selection of the theoretical foundation of this study, namely:
The levels of analysis involved in the problem that was investigated;
• The unique circumstances facing integration in Africa and the EAC in particular;
• Prevailing academic principles and norms relevant for regional integration.

The aspects led to the choice of social constructivism as the appropriate theoretical framework for the study. Social constructivism is regarded as a “general theoretical orientation, which allows for the use of heuristics” procedures that enable the use of variables and connecting patterns to test a proposition (Katzenstein, Keohane, & Krasner, 1998). More significantly, unlike rationalist theories, constructivism examines how reality is socially constructed.

Constructivism has evolved from a dismissed line of thinking, to a unique analysis instrument when dealing with competing actors and interests in International Relations (Zehfuss, 2002). It is an appealing model of analysis because of its attention to the communal aspects of decision-making, ability to create linkages between organizations and actors and ability to identify varying aspects in international relations (Hurd, 2008). Additionally, it makes it possible for the researcher to apply the notion that the world of international politics is dynamic (Kaupi & Viotti, 2010), without taking a realist and pro-state position or a completely revolutionary and nuanced anti-state standpoint. Constructivism has been used to exclude realists and in some instances to create, a middle ground whenever there is a disagreement or inability to find a middle ground in discussions in International Relations theory (Zehfuss, 2002). The assertions are that constructivism is more balanced and reasonable than “radical” thinkers (Zehfuss, 2002).

This study encourages discussion and exploration, while investigating a complex web of actors and concepts in East Africa. The main aim is to be empirical without being empiricist. The researcher aimed to provide an observable view of an important aspect in regional integration, without getting into the intricacies of International Relations theory and application. To this
effect, it is essential to briefly outline the key elements of the study’s constructivist approach, in
order to locate it within existing literature and academic thought on sovereignty and regional
integration in East Africa.

Constructivism, as a theory in International Relations, gained prominence with the rather quiet
demise of the cold war and collapse of the Soviet Union as scholars attempted to build a
connection between varying approaches in the young discipline (Adler, 1997:323). There are
various competing thoughts in constructivism: conventional, critical and postmodern (Zehfuss,
2002). Simplified, constructivism is studying a phenomenon by looking at the actors and units
causing changes through social interactions (Kaupi & Viotti, 2010). It is grounded on the
principle that actors in international relations are not acting as completely rational entities and
are therefore subjective; influenced by norms, rules and identities. These actors are guided by
rules of engagement in the international system. In this sense, constructivism is not devoid of
reason and analytical use, as it begins from a “given reality” (Zehfuss, 2002, p. 259).

The term constructivism, was first introduced by Nicholas Onuf in 1989, and taken up
successfully by Alexander Wendt. Together with Fredrick Kratochwil and John Ruggie, it
developed through the popularisation created by Wendt to contribute interpretations of
constructivism which are highly regarded by constructivists today (Zehfuss, 2002:11). It posits
that identities and interests shape international politics and therefore social reality is constructed.
Kratochwill criticises mainstream International Relations theories as being obsessed with
rationality, at the expense of human behaviour. His focus is on language and societal norms, the
premise being that norms influence everyday behaviour and are thus central to his
conceptualisation of constructivism (Zehfus, 2002:139). Onuf, who coined the term
constructivism, bases his explanations on an intersection between international law and
international relations. He seeks to create an account where International Relations takes the “political character” of actors into consideration (Zehfuss, 2002, p. 178). His approach attempts to locate International Relations in the general field of Social Science. Onuf and Kratochwill’s traditions of constructivism are anchored in rules and speech, while Wendt draws on the sociological tradition of identity (Zehfuss, 2002:22).

These beliefs, while seemingly dissimilar all qualify as constructivism and are similar. Wendt’s postulation that there was a need to utilise methods which would allow for interpretation in social actions (Ruggie, 1998) appears to have been the reason why mainstream thinkers in International Relations theory accept constructivism as a viable theory in International Relations (Zehfuss, 2002). Katzenstein, et.al, while discussing the international system, located constructivism within the growing body of sociological works in the study of International Relations, namely designating it within a broader theoretical orientation which was “conventional, critical, and postmodern” (Katzenstein, Keohane, & Krasner, 1998: 675). The authors, while disallowing post-modernism for its inability to form “objective referents, (Zehfuss, 2002:259), accepted constructivism, on the basis that it would allow for the inclusion of sociological influences, while still providing for the application of the same methodological and epistemological practices as rationalists.

Two main varieties of constructivism are discernable: “conventional” and “critical” (Katzenstein, Keohane, & Krasner, 1998, p. 676). Conventional constructivists and critical constructivists both reject the liberalist and realist notion of human nature and agree on the nature of society and the dynamic way in which actors and phenomena evolve. They differ in that they accept empirical analysis but reject the notion that general or overarching theories from such studies. Hurd (2008) assesses the differing traditions in constructivism as empirical (Wendt, Onuf and Kratochwill)
and others – who are concerned with understanding the reasons for actions and their implications. These others are likely post-modernists, based on the review of literature on constructivism.

2.4 Overview of Methodological Considerations

This study set out to examine the connection between state sovereignty and regional integration. It is based on a case study of the EAC with special focus on the EAC II as a subset. Yin (2003) defines the case study as an “empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (Yin 2003: 13). Clearly, this study focuses on a contemporary phenomenon in a real-life situation, where it was not possible to manipulate or control contextual variables, resulting in a unique challenge for the investigation from the perspective of data collection and data analysis strategies. The ramifications of this challenge are inferable from Yin’s contention that a case study inquiry needs to cope:

With the technically distinctive situation in which there will be many more variables of interest than data points, and as one result relies on multiple sources of evidence, with data needing to converge in a triangulation fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis (Yin, 2003:13-14).

From a methodological dimension, the choice of social constructivism to serve as the theoretical underpinning of the study is consequently consistent with Yin’s position that theoretical propositions are important in case studies. It is also significant that in designing this study, due attention was given to the following important components of research design for case studies as proposed by Yin (2003):

- The study’s primary research questions;
• Its propositions;
• Its unit of analysis;
• The logic linking the data to the propositions;
• The criteria for interpreting the findings.

Regional Integration is not a new phenomenon. It happens however to be a contemporary phenomenon which has not always been voluntary, but involves a number of different motivations and forces (Mattli, 1999).

The study’s unit of analysis is the state. Using it the context of the EAC creates increased awareness of the nature of the state in East Africa, and of the contributory patterns to regional integration. In addition, an analysis of regionalisation in East Africa as has been done in this work, lends credence to prevailing theorising on the impact of regionalisation on statecraft in East Africa. In this respect, it has been observed as an example that there is a tangible change in the way which citizenry view nation-states and their rights as regional democracy\textsuperscript{15} takes root. This transformation is changing the concept of sovereignty (Murphy & Stoica, 2015).

In practice, the study’s methodology is essentially qualitative and depended on using secondary data. According to Denzel and Lincoln, (2000:3):

Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them (Denzel and Lincoln, 2000 p.3).

From this interpretation, a qualitative approach calls for the social construction of reality. In essence, it focuses on actors and their realities, allowing for their social realities in the case of the
present study to be examined in relation to the EAC treaty and progress made towards a political federation.

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(Cassel & Gillian, 2004) have indicated that qualitative approaches are suitable for research questions focusing on outcomes or on where an understanding of group processes is required. This observation strengthens the study’s choice of a qualitative approach in its data analysis and interpretation.

The data for the work was generated through an extensive review of pertinent literature. In the first phase, literature on African state sovereignty, state sovereignty and regional integration was comprehensively reviewed to map contemporary theoretical underpinnings of sovereignty and regional integration. In the second phase, public documents, speeches by relevant government officials and EAC materials were examined through content analysis.

2.5 Data Types

The specific types of secondary data were Interview transcripts, international organization publications, newspaper reports, and journal publications. These were in numerical and continuous data forms, which were analysed and presented in a manageable format. Relevant content included the EAC treaty, the EAC II member state constitutions, reports on the
operations of the state, print journals, public documents, policy and academic papers, news and electronic media and presidential statements.

Part of the data was gathered primarily through the review of literature at the United States International University (USIU) library, University of Nairobi (UoN) library, EAC library in Arusha, Ministry of Foreign Affairs library, online academic journal sources and the Nation Media Group (NMG) library.

2.6 Data Analysis

Firstly, the study’s conceptual foundation, which emanates from the concepts of state, sovereignty and integration, provided a mechanism for establishing any causal patterns in its area of focus. Establishing these patterns was made possible by considering the nature of the relationship between the EAC II, the role of state structures (the executive, as the primary agents of state sovereignty in Africa) and interpretations of the concept of sovereignty, as highlighted in pertinent literature. Secondly, qualitative content analysis provided empirical insights into the nexus between state sovereignty and regional integration. This analytic tool has been described by Bryman, 2004:542 as:

An approach to documents that emphasizes the role of the investigator in the construction of the meaning in texts. (In the approach, there) is an emphasis on allowing categories to emerge out of data and on recognizing the significance of understanding the meaning of the context in which an item being analysed appeared."

The focus of the analysis was instrumental in determining the impact of the notions of sovereignty on one hand and conceptualisations of sovereignty on the other, against the regional norms and values as set out in the EAC treaty.
More specifically, the sequential model of quantitative content analysis in Mayrings (2002:115) as portrayed in Figure 1 was adopted for use, though in some instances in a modified form. In this regard, some of the categories were applied independently, while others were applied in combination, depending on the expectations of a given research question. The model has the following analytic procedures:

1) **Summary**: At this stage, identified materials are summarised, in a way which still reflects the original content though paraphrasing as an example, resulting in a reduction of the original length of selected texts.

2) **Explication**: This is the stage that is concerned with clarifying and explaining terminology commonly used in scholarly literature and policy practice. In the case of this study, the literature review provided a framework for analysis. Then, the material for explication was determined, followed by a narrow context analysis and a subsequent broad context analysis. Finally, “explicative paraphrases" were made of particular portions of text and the explication examined with reference to the total context. This stage represented what the researcher had derived and concluded about selected texts, based on inferences applicable to language, context and tonal characteristics.

3) **Structuring**: This represents the final stage of the analysis and entailed comparing and contrasting the theoretical basis of the study, against the speech features of the East African Heads of State. The goal was to tease out specific aspects of the connection between the state and notions of sovereignty on the one hand and, the intersection between theoretical concepts of political integration and the thinking of heads of state on the other hand.
Figure 1: Steps of Deductive Category Application in Content Analysis
Of interest is that The Secretary General of the United Nations is elected through a complex process of vetting, nomination and election after which she or he can be vetoed by one of five permanent members of the United Nations’ Security Council. This makes one of the most forefront organisations representing interstate cooperation and pluralism in international bodies’ realist in nature but also state centric. For more information on the National Sovereignty and United Nations Secretaries General, please see: http://www.un.org/pga/70/sg/

Cosmopolitanism is the school of thought, which is common in philosophy and law concerning moral thought and ethics. The underlying value is that all human beings, regardless of their religion, race or principles are members of one community and thus, should be treated as such. Other than through normative theory, cosmopolitanism has not been prevalent in international relations theorizing. It is an offshoot of liberalism and growing among post modernists in International Relation. To read more about cosmopolitanism and it’s critiques in International Relations read, Cosmopolitanism and International Relations Theory (Beardsworth, 2011)

Legal Sovereignty gives each state the right, under international law to act in the same or equal capacity as other states in the international system, to defend its territory from being breached and to govern its own affairs. This is only to the extent to which they can practically and politically achieve these aims. Steinberg (2004) argues that states have the same rights, but some may have more resources and ability to exercise this sovereignty. He calls this “behavioral sovereignty” and argues it is a “myth” that sovereignty is declining.

Deutsch is from Central Europe, and has his intellectual background in a state with various “subnations” coexisted in one state – that is, Czechs, Slovaks, Croats and Slovenians in Austria. A similar dilemma was discussed by Jean Bayart in Chapter one. Although Bayart views the situation through the lens of the artificial borders of colonialism, it is noteworthy that the historical and intellectual history from which Deutsch writes is similar to that of the East African States.

To learn more about African feudal systems review Bonaventure Swai (Swai, Antimonies of Local Initiative in African History, 1979),

Heuristics are debatable in rational theoretical circles, as they are assumed to provide easier ways of processing information, and be biased towards what actors and scholars can remember. Critiques stress the need of being aware of the tendency to exaggerate connectedness, and for cognitive and egocentric bias to occur. See, Carlsnaes, W., Risse-Kappen, T., & Simmons, B. A. (2002). Handbook of international relations. London: SAGE Publications, 293 - 294


This is an important journal article in the study of International Relations, as it offers a review of key theories in International Relations. It delves in to the dominant theories of the day - rationalist (Liberalism and Realism) – while delving into a discussion of European theories and worldviews as well as some sociological ones. It is, arguably, a wonderful insight into the processes and debates that saw International Relations transition to a more diverse discipline. See, Katzenstein, Peter J., Robert O. Keohane and Stephen Krasner, (1998). ‘ International Organization and the Study of World Politics”, International Organization 52 (645-685) : http://maihold.org/mediapool/113/1132142/data/katzenstein-ipe.pdf

Juliana Erthal posits that Regional Democracy is the transfer of democratic principles from the state level to the regional international organization. Inherent in this concept s the principle that government at the national level should be accountable to their citizens and thus based on individual participation in governance. See, Erthal,Juliana. 2007. “Discussing Regional Democracy”, in Andrea R. Hoffman and Anna van der Vleuten (eds.) Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organizations. Burlington: Ashgate: 33-48.
CHAPTER 3: ASSIGNING MEANING: STATE SOVEREIGNTY IN AFRICA

3.0 Introduction

The state in Africa, as in many other parts of the world is facing challenges to its constitution, but it persists (Viallalon, 1998). Yet, it is crucial to the study of International Relations. In fact, there is no unifying body with the potential to bring about collective control and ensure that the rights of individuals on the continent are acknowledged comparable to the state. Processes such as integration (Kock, 2010), development (Adar, Juma, & Miti, 2010) and peace are best achieved through a well-functioning state.

The state is often an object or unit of analysis (Lake, 2008), for neorealist and neoliberal thinkers and constructivists such as Alexander Wendt. Even those who question its validity and efficacy are forced to refer to it, albeit briefly. For realists, national interest is expressed in terms of power, which is the basis of human nature (Morgenthau, 1993 ). Neorealist theories focus on maximum gains for the state at best, and its survival at worst (Waltz, 1959). Such focus is dependent on scholars understandings of human nature and the way in which politics operates in the United States and on their knowledge of the balance of power in the international system. Ruggie (1998), a key thinker in constructivism, posits that broadly held societal norms form the basis of state institutions, and therefore constitute national interest.

With reference to Africa, African states have often been viewed as the “enemies of Africans” (Englebert P., 2009). In spite of this negative perception, all, except Somalia appear to be working to some extent. There are a number of failed and weak states in the continent (Clapham, Herbst, & Mills, 2001) while others have authoritarian leadership. In some states, something of a functional democracy is visible as is freedom of expression. Despite warnings from Afro-
pessimists in the 1990s, and those who genuinely worry that the state is an impediment to
development (Nyang’oro & Shaw 1998), the African state is still here. States are the primary
actors in the international system. An introspective study of the workings of the state is therefore
necessary in today’s multi-actor world. Inherent in the definition and acceptance of a unit as a
state is its sovereignty, which simply put, is the ability to govern oneself independently of any
other states. The terms sovereignty and state are commonly used together with sovereignty
looked at as being inherent in the state.

Literature on the African state is written from the perspective of dealing with conflict or
encouraging democracy. This in itself signals a key deficiency in African statehood. Indeed, in
the 60-odd years of the nation-state’s existence, there has been more strife and inequality than
peace and functionality on the continent. While many scholars argue that this is down to
neopatrimonialism and rent seeking, Adebayo Olukushi (1999) argues that the two notions have
been over used. Most of the literature on the African state is historical or Africanist in nature.
This is not surprising, as the pre-colonial notion of governance on the continent was not
centralized and was devoid of strict enforcement of borders (Bayart, 2003).

This chapter examines the various conceptions of the “state” in International Relations and
Political Science. The African state is a contradictory construct. It is a complex hybrid of
ideologies, systems and processes. It is important therefore to analyze what happens at the
domestic level, in order to understand actions in processes. Sovereignty, which is a word taken
for granted by some and dismissed by others also occupies an important place in the East African
experience.
Exploring European and Western views of statehood and sovereignty is relevant because these are the very foundations of statecraft in Africa. However, as Adebayo Olukoshi (1999:463) stated, “it is equally crucial not to take this to mean that the African reality can be interpreted only through a one-sided recourse to analogies drawn from the histories of other parts of the world, especially Europe”. Therefore, a great deal of this chapter is dedicated to understanding and analyzing African conceptualizations of state and sovereignty. This is not to mean that state-centric theorizing should take precedent over other important aspects that are challenging the EAC, such as people-centeredness, but that the central role which states play can explain, address and streamline problems facing political integration.

3.1 Genesis of State Sovereignty

The concept of Westphalian Sovereignty was preceded by three periods in the evolution of the meanings assigned to the concept of sovereignty. These were the classical, reformation and enlightenment age periods. In the classical period, the major meanings assigned revolved around notions of supreme concepts of sovereignty. That is why the Roman Emperor possessed absolute authority, and was thus regarded as sovereign. During the reformation period (1500), civil strife and the influence of philosophers such as Jean Bodin (1529/30–1596) and Thomas Hobbes (1588 - 1679) led to the documentation of the benefits of central authority in the form of absolute monarchies, which would abate the suffering of the populace from the French and English wars. Jean Bodin put forward the argument that due to the nature of the state and man, the sovereign had to be the Supreme Being.

The Age of Enlightenment was filled with the transformations of the notion of political and human rights, especially that of the supremacy of the sovereign.
3.2 The Peace of Westphalia

The current concept of the political state is founded in the Peace of Westphalia treaty of 1648, which ended 30 years of war in Europe. This concept, largely referred to as “Westphalian sovereignty” is based on systems, which governed statehood and sovereignty. To understand the concept, and fully appreciate it, one must understand the ‘Thirty Years War’, which led to its coinage. From the standpoint of its origins, ‘The Thirty Years’ War (1618-48) began when Holy Roman Emperor Ferdinand II of Bohemia attempted to curtail the religious activities of his subjects, sparking rebellion among Protestants. The war came to involve the major powers of Europe, with Sweden, France, Spain and Austria all waging campaigns primarily on German soil. Prior to the Treaty of Westphalia, the European system of governance was largely decentralized and while sovereigns – ultimate powers or rulers – existed, they were not respected in the same way by other sovereigns (Hassan, 2006).

The Peace of Westphalia introduced the concept of sovereignty tied to territorial boundaries and based on mutual respect of other sovereign entities. It formalized the separation of borders and stated that states would mutually respect each other’s legitimacy based on sovereignty. The Treaty is a model of domestic sovereignty. It emphasizes the need for domestic governments to govern without foreign interference. On this basis, the world’s smaller kingdoms and units of political organization were replaced by larger, more efficient and recognized units which we call the state. There are four underpinnings of the Westphalian notion of the state:

- The power of the state is unlimited within its own territory;
- A state is legitimate when it has a sovereign and is able to manage its polities;
- Sovereignty is the basis of state legitimacy;
- The state and by extension its people, are sovereign.
3.3 Theories of the State

Theories of the state in International Relations focus on various abilities and rationales of the state. The first group focuses on states as units, which have the ability to unilaterally conduct their domestic affairs Krasner (1999). Neorealist theorists posit that states strive to “balance” against other states in the international system (Waltz N. K., 1979). Their studies are focused on systems-level processes of the state (Lake, 2008). Realist theories, which are most renowned for their focus on the state as the unit of analysis in international relations, focus on the interests of the state, which are measured and understood in terms of power (Morgenthau, 1993). By way of comparison, constructivists such as Alexander Wendt (1992) posit that the processes between states are subjective to norms and social influences. “In this way, states are understood to be shaped and reshaped as states by their material and ideational environment,” (Lake, 2008:45). All of these theories look at the ways in which domestic state behavior affects the actions of the state as an actor on the international level. This contention is crucial to this study as the underpinning assumption is that despite the shortcomings of a state on the domestic level, states are the single most crucial unit in regionalization processes.

The focus on the state risks acquiring the label of ignoring other states, due to the dominance of state centric theories. State centric theories, even systemic constructivism associated with Alexander Wendt, draw a lot of criticism for two reasons. First, it is almost impossible to understand what national interest is. Secondly, domestic politics is divisive, with various completing groups influencing and changing the outcome of policy and political decisions at any one time. Lake (2008) argues that the theories are still appropriate because the final decisions of states are binding. More crucially, the international and foreign policy decisions of states are often “independent of state decision or a result of the process of domestic politics.” States have
explanatory value in explaining behavior in the international system. Thirdly, while systemic
theories (such as those of Waltz and Wendt) focus on processes in which states balance and
influence one another on the state-level, other theorists look at the way in which states – at a
domestic level and transnational level – are affected by ideas, norms and processes in the general
international system. These theories assume and conceptualize the state as a necessary actor in
the international system.

The other major group of thinkers on theories of state consists of Joseph Nye and Robert
Keohane who contend that transnational forces\textsuperscript{16} are eroding sovereignty. This position questions
the efficacy of the state. The study of transnational actors introduces a different aspect of
sovereignty, that in which citizens might not agree with what their leaders are doing and are in
some instances, able and willing to make decisions in the international system without the
consent of their governments. Examples are multinational organizations and international phone
calls. These neoliberal theories contend that the non-state actors are not really competing with
the state, but rather enjoy protection and legally protected rights to operate somewhat
autonomously in liberal states (Keohane & Joseph, 1972). The implication herein is that non-
state actors do impact international politics and should be taken into consideration. It does not
however mean that state centric theories are obsolete, certainly not in the contemporary African
set-up, where regimes range from authoritarian to somewhat democratic.

A theorist who deserves special mention is Max Weber, who in his famous speech: \textit{Politics as a
Vocation} in 1918 - subsequently published in 1921– provided an enduring description of the
state. This definition forms the basis of most theorizing on what a state actually is and what it
should do, in that it consolidates notions and ideals which had been put forth by classical
philosophers and takes into consideration the challenges of the early 20th Century. His position was as follows:

I state only the purely conceptual aspect for our consideration: the modern state is a *compulsory association* which organizes domination. It has been successful in seeking to monopolize the *legitimate use of physical force* as a means of domination within a *territory*. To this end the state has combined the material means of organization in the hands of its leaders, and it has expropriated all autonomous functionaries of estates who formerly controlled these means in their own right. *The state has taken their positions and now stands in the top place* (Weber, 1946:5 emphasis added).

There are a number of fundamental concepts surrounding the ‘Weberian Theory of the State’:

1) It is formed from a human community in a defined geographical region (1946, p. 1);
2) The state has legal mandate and works on a rational basis using rules (1946, p. 2) and a system of administration (1946, p. 3);
3) The state dominates the community either through a monarch, “an elected war lord, the plebiscitarian ruler, the great demagogue, or the political party leader” or through legality where a “servant of the state” is imposed (Weber M., 1946, p. 2);
4) It is an agent of collective action (1946, p. 4);
5) Is within a defined geographic region (1946, p. 1) and can legally use force (1946, pp. 1-2).

These fundamental concepts demonstrate that the state is so because of three important characteristics: territoriality (a predefined geographic region), legitimacy (drawn from the law, constitution, belief systems or decrees) and violence (force used within certain limits to protect citizens and quell dissenting voices deemed dangerous for the state). As democratic principles, technology and the relative ease of access to weaponry become commonplace, these original notions no longer completely apply. The sovereign for instance, is in most parts of the world replaced by an elected or at least subject to party nomination. However, the definition still applies, as it is the basis of modern day theorizing. Weber opines that the state is a communal and political construct, which assists in collectively managing resources and enforcing security. In this way, he differs from Karl Marx Engels who perceived the state merely as a tool for
exploitation. He also stands out in his attempt to describe pragmatically the characteristics of the modern state.

The basis of the major schools of thought around state theorizing is of course Western, and based largely on the way in which Western states, ‘powerful’ on the international scale and ‘democratic’ on the domestic ones operate. The reality is these state-centric theories are useful in explaining certain, if not limited phenomena in international affairs.

There are primary questions explored in the rest of this chapter. They include the issue of the condition of the African state and where African states fit, given the nature of contemporary and classical theories of the state. Another question concerns the issue of why it is important to understand the African state.

3.4 The Condition of the African State

Lemke, (2003:117) has suggested that:

> a major distinction between African international relations and those elsewhere is that so many of Africa's states are *states in name only*—legal entities that have failed to consolidate political power within the territories over which they are the legally recognized authorities. Instead, political power is exercised by a variety of state and no-state actors in Africa. (He proceeds to argue that because) standard international relations research theorizes about and collects data only for official states, much of Africa's international relations are left out. (Emphasis added).

Lemke’s suggestion brings to the fore the following question: Why are there states, and more importantly nation-states, in Africa? In modern Europe, the nation-state gained prominence as it was an effective way to create larger markets and govern populations under one sovereign (Clapham, Herbst, & Mills, 2001). Zounmenou (2006:141) argues that the colonial imposition of boundaries has meant that traditional African tribes, Kingdoms and regions divided and the state superficially imposed. Consequently, states are colonial creations.
In Africa, legalities and territoriality form the basis of what is, and is not the state. Without dwelling on the legitimacy of colonialism, states are so because of borders which give them domestic authority in the legal scheme of things and define “the extent of state sovereignty” (Abraham, 2001). Although African states have boundaries, most are porous at best and completely unmanageable in areas where two or more tribes or rebel movements intersect or where large areas of land fall under one border.

Contrary to popular theorizing\textsuperscript{17}, Jean-Francois Bayart (2003) argues that the state in Africa is a construct of the African people, as they accepted the borders and made it their own at a meeting of the Organization of African States in 1963 (Abraham, 2001). This is similar to a legalistic analysis made by Crawford (2006:266) which implies that the people of Africa agreed to the “borders and treaties” created by retreating colonizers. The problem in African statehood cannot be the borders or size of territories but the multiplicity of competing centers of influence or local groups over power institutions and systems of belief. This is not simply a problem of ethnic groupings, though which groupings vie for the highest power in the country – that is “supreme power” (Bayart, 2003:40) by way of the presidency. Bayart argues that ethnicity is not an antithesis of the state, but rather a creation of it and examines the political workings of the African state in two ways: first, horizontally, by considering how political elites promote alliances between influential groups and secondly, vertically, by examining how political elites communicate with their “clients” or people on the ground. He argues that public organizations are the main causalities of these struggles.

Such thinking would seem to inform the reasoning by leading theorists of East African integration who opine that “political will” (Nyong’o, 1990) is one of the main challenges facing the EAC. In this case, the state itself is not the cause of the problems facing such institutions, but
rather the politicking, which leads to national processes and institutions being hampered by political processes and dynamics (Bayart, ' The State' from Coulon and Martin (eds): Les Afriques Politiques, Editions La Decouverte, 1991, 2003). Bayart concludes that the post-colonial African state is based on political machines, not ethnicity. These political machines are built most times around personalities (Viallalon, 1998), and the state institutions mostly benefit the ruling class. Englebert (2009:3) takes the position that the African state, benefits mostly the “holders of state power” and that an attitude of “territorial nationalism” prevails in most of the states.

This perspective is supported by Robert & Rosberg (1984:442), who assert that political culture is a, “vertical network of personal, patron-client relations”. In this context, what suffers are institutions, regional structures and agents in regional democracy. The description and theorising of the concept of personal rule mirrors what has been described as neopatrimonialism and rent seeking in Africa, which according to some scholars was due to colonial governments. The reasoning hearin is the proposition that the concept of democracy and proper institutions were not introduced prior to withdrawal from Africa. This left states in the hands of ill equipped governments that had a new, reinforced understandings of ethnicity as well as of state authority.

While the theory is credible, and lends credence to the present study’s interest in the inherent characteristics of statehood and sovereignty in Africa, there is a risk of explaining all of the continents’ problems and therefore those of regional integration, in terms of the ‘Big man syndrome’ and the inability of Africa to effectively modernise.

In theory, rent seeking and neopatrimonialism are the biggest drivers of under-development, state sponsored conflict and corruption. Robert & Rosberg (1984) describe this arrangement as
‘personal rule’\textsuperscript{18},’ a situation where leaders “leverage on conspiracy, factional politics and clientelism, corruption, purges and rehabilitations and succession maneuvers” to manage their polities. They disregard institutions, legitimacy and political designs that would be normally expected of a modern state. Robert & Rosberg (1984:421) also indicate that:

There is no indication that such activities are about to decline in political importance. Whereas these effects are usually seen as merely the defects of an otherwise established political order – whether capitalist, socialist, military, civilian, or whatever – we are inclined to regard them much more as the integral elements of a distinctive political system to which we have given the term “personal rule”

Bayart (1993:267) differs with this proposition, and argues that the African state is slave to its historical trajectories – not only the colonial ones, but also those of the founding fathers. He also discredits the theories put forward by Jackson and Robert (1984) on personal power, arguing that it was arrived at by misunderstanding the manner in which African societies function.

There are three types of state setups in Africa: those controlled by the dominant class, which were endorsed by colonial powers; those ruled by new elites who overthrew the post-colonial dominant class; a system controlled by assimilation of old and new elites Bayart (2003:43).

The African state is to a large extent an exploitative, authoritarian one in the hands of the elite, not because of the African identity but because of historical processes and developments that influence the creation of the state. In this regard, the state in the context of Africa was in some cases the creation of colonial powers, such as the British, that thought it best to hand over power to “African collaborators in an attempt to maintain political control” (Schmidt, 2013).

3.5 The Importance of Understanding the African State

It is common to find studies on the African state, sovereignty and nationalism in the disciplines of Anthropology, African Studies and History. International politics, seemingly disillusioned by
statecraft’s apparent lack of rationality, had long given up studying African political systems, until terrorism and global security initiatives brought these back to the fore. Understanding the African state is therefore not a matter to be ignored.

Thomas Hobbes (1991) articulated his argument for a state, pointing out that it would act as an ‘artificial man,’ created by giving up some of our sovereignty and freedoms to, it so that it could govern the members of a given space together for the prosperity of an entire polity. In return, the state should protect the individual from violence, persecution and peace. Kock (2010:22) advances the position that the state is a, “political superstructure that binds power structures together, administers space and facilitates relationships between the rulers and the rule”. This perspective underlines the importance of understanding the African state.

State failure in Africa has been manifested through lack of democratic reforms, civil strife and conflict, developmental regression and authoritarian regimes. In the 1990s, “Afro-pessimism” grew, with many decrying the numerous cases of state failure and an apparent inability to abide by the Hobbesian notions of law and order (Olukoshi, 1999). Statecraft in Africa is not compatible with the social realities, physical boundaries and the perceptions which African citizens have (Kock, 2010). It is an imposition, which lacks legitimacy in the eyes of its citizens (Adar, Juma, & Miti, Conclusion, 2010). However, at present, there are no other viable alternatives (Adar, Juma, & Miti 2010:249). Therefore, there has to be an invigorated discussion on the role the state should play, and to what end.

Political power is exercised by a variety of state and non-state actors in Africa. Bayart (1993:49) argues rather convincingly that, “Ethnicity cannot provide a basic reference point for post-colonial political areas, because it is itself constantly being formed and is largely mingled within
the phenomenon of the State.” The arguments surrounding statecraft in Africa stand to benefit from an overview of the colonial origins of the state, since it forms the basis of the modern African state and had a great impact on it.

3.6 An Overview of State Formation in East Africa

3.6.1 Pre-Colonial Africa

Even though there is evidence of city-states and even centralized states in the pre-colonial African system, Africa was terra incognita in the international system until the Scramble for Africa. This is not to say that there were no state systems. The concept of ‘power’ was independent from the control of land and authority over defined borders, because there was abundant land. Land ownership was also communal. With the exception of pre-established centralized states such as Ethiopia, Dar Fur and a number of West African states, sovereignty was unconnected to a leader’s ability to exert power over broad spaces but on his ability to form alliances, use coercion and develop loyalties. Exerting political control, as we understand it today was difficult given the topography (Herbst, 2000).
Based on historical accounts and current theorizing, Figure 4 best illustrates the situation in a majority of African governance systems at the time:

**Figure 2**: Topographic description of Africa from 1590 – 1800 (Courtesy of LauraHarpman.com)

**Figure 3**: Broadcast of Power in Pre-Colonial African City-States and Regions

- **Core**
  - a). Build alliances
  - b). Uses coercion
  - c). Fully controlled

- **Periphery Region ‘A’**
  - a). Pay tribute

- **Periphery Region ‘B’**
  - b). Seek beneficial alliances
3.6.2 Colonial Africa

The Europeans did not only introduce boundaries to Africa and new political systems (Swai, Precolonial states and European merchant capital in Eastern Africa, 1984) but a number of divisive policies, organizational systems, languages and ideologies that are still in place today. The current situation in which the African state finds itself, ‘modernized’ in some ways, dysfunctional in others and a complete failure in others can be traced to colonial practices and processes. Mamadani (1996) posits that the colonial state was merely an economic mechanism, implemented using authoritarianism, centrality of hierarchical administration and broadcasting power by networks of chiefs. The Berlin Conference of November 15, 1881 enabled European powers, weary of war and eager to avert conflict amongst them (Mentan, 2010), to draw up borders and allocate regions to suit their interests (Osondu, 2010). Prior to 1885, the Portuguese who made contact with Africa in the 1500s, did not attempt to conquer the interior. Instead, they used African Kings and Chiefs to make contact whenever necessary. It is as though the Europeans, faced with the terrain and realities of the African continent, “adopted a very African view of space and boundaries (Herbst, 2000:63). This notion of defining Africa in terms of land and lack of law was necessary to quell rising tensions in Europe and balance out a perceived American power (Osondu, 2010).

The Scramble for Africa, hurried, seemingly diplomatic and occurring at a time of high European tensions and fear of war between European states occurred in 1800. It was a stop-gap mechanism, resulting in the amalgamation of territories, which did not want to incur costs in ruling or in consolidating the regions which they had conquered (Herbst, 2000). Therefore, Africa’s boundaries were created during the Berlin Conference of 1884/1885. Germany, a new
entrant into the colonial practice, insisted on strong and organized rule in the colonies, while Britain argued for minimal responsibilities of colonial powers. Largely, these territories were managed and run by companies, using small teams of conquering powers and the manipulation of force, the gun, and teams of local guards. Up to the early 1900s, African tribes in the interior region still exercised a semblance of their freedoms and refused to cooperate with Europeans or their African enforcers. White presence was minimal in most colonies with the exception of South Africa (Mentan, 2010). Contrary to Mamdani & Young (2000:88), Herbst (2000:88) argues that the colonial period ended because “Africans continued to subvert the state for many years by simply leaving” or by agitating for the removal of satellite governance which European states used to govern countries on behalf of Britain. For instance, The British East Africa Company, established in 1888 colonized Kenya on behalf of Britain (Mentan, 2010).

3.6.3 Post-Colonial/Contemporary Africa

There are important concepts and developments which were carried over from colonial Africa to post-colonial Africa. They included:

- A supreme or absolute sovereign, given his or her power by legalities and reinforced by the use of (some) force;
- A desire to retain (weak) borders as buffers against foreign powers and signs of territorial legitimacy;
- The need to seek signals of sovereignty from the international system.

Conflict is common in African states, something which Mentan (2010) attributes to the modern state’s attempts to appropriate territory and dominate areas, which were formerly self-determining. Mentan (2010:19) opines that the modern African state is a foreign state, anchored in capitalist designs and has therefore to use excess force to dominate regions, which formerly
operated as independent nations. In so doing, he contends that there is no such thing as an African nation-state.

This is a view supported by other scholars, such as Alavi (1972:59), who views the state as one run by a “foreign imperialist bourgeoisie”. Mentan’s understanding of the state in Africa is that it is a vehicle for domination and extraction of resources, founded in colonial ambitions and steeped in the need to dominate nations (tribes, smaller political groupings) for success. He argues that theories concerning state failure in Africa do not apply due to a number of reasons. Firstly, states are subject to breakdown and reorganization throughout history. Secondly, the African state is a “creation and determination of capitalist globalization” (Mentan, 2010:11). Lastly, African states are ‘artificial creations’ (Mentan, 2010:48). In the style of Marxist and Socialist traditions of the state, he does not seek to address the static nature of the state, but rather grounds his theory in political economy theory with the view of understanding a particular type of state. While this is a radical view, in a field that is overwhelmingly liberal and Western oriented, it offers explanatory power for what other scholars have described as: “personally appropriated state,” (Viallalon, 1998:9), ‘quasi’ states (Jackson, 1990), ‘prebendal or rentier states’ (Viallalon, 1998:13), lame leviathan (Callaghy, 1984), inverted state (Forrest, 1998) and ‘neopatrimonial’ (Adar, Juma, & Miti, Introduction, 2010).

3.6.4 The Contemporary State in East Africa

Rotberg (2003) postulates that nation-states are an evolution of monarchies, constructed to offer, “a decentralized method of delivering political (public) goods to persons living within designated parameters… modern states focus and answer the concerns and demands of citizenries.” While African states are by no means “nation-states” in the strict sense of the concept (Viallalon, 1998), this definition is suitable when describing the expectations and role of the modern state. It creates
a compromise between Weberian and Marxist conceptualizations of the state, allowing for an analysis of what states actually do, and the nature of states in the EAC.

Of the EAC member states, only two, Rwanda and Burundi (Bayart, 1993), have an illustrious history of centralized governance and are based on the original areas which the pre-colonial kingdoms in these areas ruled. Kenya, Uganda and Tanzania, the founding members of the EAC are British Colonial creations, having not existed as nation-states prior to the 20th Century. South Sudan, the youngest state in the world, is a product of a bloody secessionist battle, and an international push for the recognition of the country as independent of Sudan.

Due to low population density, it has always been difficult and not necessary to build centralized systems of governance (Herbst, 2000) in some parts of Africa. Nationalist movements, which sprung up during various independence movements across Africa were largely urban, educated and elitist in nature. This is not because these groups wanted to alienate the rural populations, but because of the cost of organizing and the layout of the territories which they were assigned.

At a practical level, African leaders have always had to use different methods in statecraft. Herbst (2000:23) posits that while “traditional tools of political science” enforce institutions, administrative decision-making and systemic considerations, African leaders face a different set of problems, and therefore employ different methods as illustrated in Figure 5 (Herbst 2000: 28).
Herbst explains that African leaders face certain costs when working out how to extend their power and territory with the regions. The factors which face African leaders in so doing greatly differ from those faced by Europeans and mean that the characteristic of the African state is slightly different. One of the unique costs is that of sub-national or ethnic movements. African countries, newly independent were “influenced by dominant ideas of the period” and rejected, the reconfiguration of borders, ethnic identities and differing political opinion (Ottaway, 1999). It is also significant that despite the fact that African boundaries, created hurriedly by conquering Europeans, have been a source of tension from the beginning of independence, African leaders have maintained them as a means of legitimacy (Herbst, 2000; Ottaway, 1999). They have relied on the legitimacy, which the international systems and norms confer regarding boundaries, and have used this as a reason to build states and rebuff rivals (internal and external). Finally, African states have a state system, which is influenced by the international system and happens to be an influencer of the international system. In stating this, Herbst advances the view that even weak African states have an effect on the international system and must therefore be studied, in a study of the international system.

3.6.5 The African State: An Alternative Conceptualization

How can we operationalize the state in East Africa? The states are a hybrid of international norms and processes. Rotberg (2003) brings to the foreground a special category state, the failed state which tends to be autocratic, has full control of its borders, faces no rebellions, broadcasts power from a central location evenly, but does not provide citizens with any “political goods” from the government. This scenario presents a picture of a state which is “fundamentally weak”
but persists as a state. In analyzing pertinent literature, it is evident that the demarcation between *Strong, Weak, Failing,* and *Collapsed* states is not as clear-cut empirically as it is theoretically. So too is the demarcation between *Autocratic* versus *Democratic* states. States which should in fact be categorized as weak (Rotberg, 2003), function as though they were strong, while regimes which utilize forms of democracy, implement some clearly autocratic forms of governance (Miller, 2012).

There are three definitions of modern states, which apply greatly to the African and particularly the East African region:

**3.6.5.1 The Inverted State**

In this type of state, the bureaucratic infrastructure of the state is unable to perform even the most fundamental policymaking and policy-implementing functions outside of a severely restricted urban core. This means that the organs, reach and efficiency of the state begin and end with the actual buildings in which the government offices are located (Forrest, 1998). Since the state has a number of state structures such as administrative offices that are similar to those in normal states, the inverted state continues to be treated as a state by foreign powers and international systems. Levels of inversion vary. In the EAC, relevant examples of an inverted state would be Burundi and South Sudan.

The defining characteristics of the inverted state are as follows:

- Presence of heavily armed forces, which sometimes break down into competing units;
- Lack of “positive sovereignty” (Jackson, 1990), as the state cannot offer basic public services and coordination of government activities;
- Government efforts are concentrated on the political center and urban areas, because it cannot broadcast power or extend itself outwards;
- Businesses continue to thrive and operate;
- Presence of international actors and foreign investors.
One of the causes of an inverted state is a major change in the international system, such as was the case in the scramble for Africa, which is the originator of the modern African states. From a Marxist point of view, capitalism (Mentan, 2010) or the “ultra-privatization of the African state’ (Forrest, 1998:48) also creates great shocks and changes to political groupings. In addition, the artificiality of the African ‘nation-state’ makes states susceptible to sub-national rebel movements (Mentan, 2010; Mamdani, 1996; Forrest, 1998) and compromises military units (Forrest, 1998), which are the last source of state integrity.

3.6.5.2 The Authoritarian State

Authoritarianism is a form of government characterized by strong, centralized government systems and limitations of public-political participation. They are not the same as totalitarian regimes, in that they offer limited access to political plurality and allow private organizations to operate by differentiating between the state and private sector. Linz (1970:255) describes the authoritarian states as:

Political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones (Emphasis added).

Authoritarian regimes are of different types; however, all are concerned with resolving two main issues (Svolik, 2012):

1) Controlling dissatisfied citizens;
2) Remaining in power in the face of competing political elite.

These governments use resources to reward members of their support coalition (Bayart, 1993), form alliances with potential opponents, and regulate access to state resources to appease the citizenry and the opposition (Ahmed, 2012; Bueno de Mesquita & Smith, 2012). Using the
definition provided by Linz (1970), the following characteristics of authoritarian states are notable:

1) Constraints on political life i.e. institutions and processes such as parliament, political parties, political gatherings, opposition and civil society;
2) Emotive justifications for rule: a regime could claim that it is fighting tribalism, promoting development or keeping the evils of the past at bay;
3) Suppression of political opponents and constraints on the public outcry through limiting social mobilization, jail terms and threats;
4) Focus on executive powers. This is made official through the constitution, decrees and party manifestos. It originates from an individual – and in some cases small groups - and has shifting limitations and goals.

Authoritarian regimes often arise out of a need to restore peace. This could be either after internal or civil strife or, following threats from external forces such as colonizing forces or war. There are three main type of authoritarianism relevant to this study: populist authoritarianism, bureaucratic authoritarianism and the final one, electoral authoritarianism (Miller, 2012) which is a hybrid of autocratic and democratic principles.

3.6.5.3 The Democratic State

Democracy is a political process, which allows governance through popular participation, measured and assessed through ballots. Dahl (1989) takes the position that democracy is the best system for advancing the interests of public goods and for ensuring that collective decisions are made in the best manner possible. He posits that democracy has two underpinnings:

1) Political participation: voting equality for all adults who are bound by the collective decisions of the state;
2) Political contestation: the ability of people to express their discontent through freedom of speech and press.

Briefly, there are three main varieties of democracies: Parliamentary vs presidential democracy; consociational democracy vs behavioral approaches to democracy; Arend Lijphart's
differentiation of majoritarian and consensus democracy (Bormann, 2010). These differentiations, while relevant to more mature democracies, fail to explain the situation in Africa, which has a much different developmental path.

Democratic processes on the continent originate from US President Woodrow Wilson (Adar, 1998) who championed the benefits of democracy for the continent, at the tail end of the colonization period. Wilsonian democracy, was concerned with “the need to establish people-oriented internal and international democratic institutions that would act as the custodians of democracy and human rights, as conceptualised within the general rubric of self–determination” (Adar, 1998:33). This type of democracy was not only an idealistic perspective, but also a pivotal issue in United States foreign policy towards Africa. The practice of the US Congress of linking military and economic aid to democratic principles, as envisioned by Woodrow Wilson, could explain why all types of regimes on the continent – including those which have autocratic leanings – implement and maintain a façade of “democratic institutions” (Miller, 2012:194). Basically, to access foreign aid, one needs to practice some of the principles of democracy or at the very least, appear to. In some cases, autocratic governments are inclined to allow for some democratic processes – such as multiparty elections, whenever donor relations deteriorate (Adar, 1998) or the whenever the electorate is deemed to be on the verge of civil strife (Miller, 2012; Branch & Cheeseman, 2009).

The characteristics of an effective democracy include the following:

1) All people who are adults who are eligible to vote are provided with a means to do so;
2) Elections are free and fair;
3) Power is peacefully and effectively transferred;
4) There is plurality of opinions at all levels;
5) Decision-making is transparent and inclusive.
With this conceptualization of democracy, the states in Africa, which are for all purposes weak, and lack proper institutional frameworks risk falling into forms of autocratic rule, at least once in their history. Currently, few states in Africa can consistently be termed as democratic. Miller 2012: 194 adopts a model (Figure 6) to explain why autocratic regimes adopt democratic principles and processes, arguing that regimes offer citizens an opportunity to register dissent, but do not actually intend to step down.

![Figure 5: Theoretical Model Illustrating Options Available for Regimes](image)

### 3.7 Sovereignty and the African State

The concept of *Westphalian sovereignty* is based on the notion that there is an ultimate authority in each state (Krasner, 1999:11). The model does not provide for questions of legitimacy or democracy to arise. Whether in power, because of popular support, or because of a hereditary monarchy, the ruler is the ultimate or final authority within each state. “But regardless of what
type of regime exists citizens are bound by the policies enacted by their governments” (Lake, 2008:44). This model proves problematic in cases where the sovereign is neither in power because of these two facts, or is in fact incapable of managing domestic politics and borders. In such cases, the sovereign derives power from an external source.

Krasner (1999:20) argues that the modern concept of sovereignty is erroneously based on the Westphalian model because “Westphalian sovereignty is violated when external actors influence or determine domestic authority structures”. He opines that (international) legal sovereignty and the Westphalian model of sovereignty are not compatible because in 1648, there were no norms of intervention or the kinds of capabilities, which we have today for states – or other external actors – to influence or interfere in the domestic authority structures of states. Therefore, it was probable to assume that sovereignty was ‘because it was’ as there were no instances where intervention or significant foreign intervention was possible, save for war.

Crawford (2006), in conceptualizing states from an international law viewpoint, contends that sovereignty cannot and should not be conferred on an entity for it to be deemed a state, but rather the nation but be truly independent and autonomous. Crawford’s underlying premise is the position that the creation of states is governed by international law, based on territorial integrity and the legal non-recognition of entities attempting to split from recognized states. Thus, Crawford breaks slightly from tradition, which is that a state is recognized as such because of the recognition extended to it by other states. This recognition in international law is legal sovereignty. He argues that a state must first demonstrate independence. In his view, the criteria for statehood when applied to states include the following:

1) Demonstrate competence in handling its internal affairs;
2) Are officially equal;
3) Are capable of acting in the international system;
4) Are not subject to compulsory international judgment;
5) Assumed to have freedom of action (the ‘Lotus principle’).

If this understanding is applied, an entity must demonstrate effectiveness prior to seeking statehood and international law must acknowledge entities for them to operate as a state would. It falls short when analyzing the state of African states in international politics since those entities, which might be effective – such as Somaliland – lack statehood, while other entities, which do not meet these requirements, are internationally recognized and propped as states. Crawford’s analysis, while biased towards international law is a skilful exploration of the various interpretations of statehood and addresses problems with the state in the international system today. He cites “artificiality of states” (Crawford, 2006:717) and “legitimacy of the state”, which stems from the acceptance or rejection of the instruments of the state by the people (Crawford, 2006: 648). He does not delve too much into the concept of sovereignty, but instead insists that sovereignty is a notion, which can only apply to a “territory” which is already accepted as a state and can therefore not be a criterion for statehood (Crawford, 2006: 115).

Crawford, writing initially in 1979 and then in 2006 appears to have one concept of sovereignty: that which is rooted in the nation-state and thus is devoid of references to people’s sovereignty and the concept of shared sovereignty, which are crucial for well-functioning regional bodies. Further, he makes a distinction between what he perceives as legal matters and political matters in the international system, choosing to engage only with prescribed areas and avoiding the “problematic” area of sovereignty (Crawford 2006: 115).
From this discussion, it can be deduced that concept of sovereignty and state sovereignty in particular is perhaps one of the most controversial in modern Political Science and in contemporary International Relations (Hoffman, 1997).

The Berlin Conference is central to the notion of sovereignty as African states, considered ‘terra incognita’ (unknown or unexplored territory), were not recognized as states in the international system. At the same time, colonizing powers in increasing their reach into the inland areas of the continent developed a rather absurd practice of “signing treaties with African chiefs so as to gain control of territory in a legalistic manner instead of conquering it,” (Herbst, 2000:74). It is notable here that persons not considered to have the notion of sovereignty as was understood and accepted at the time, were able to transfer rights and participate in processes on an international level. Up to this time, there had existed the notion of “shared sovereignty” (Herbst, 2000:70) on the continent. The fallacious practice of the Berlin Conference’s treaty making created the notion of *supreme sovereignty* vested in an individual, an individual chosen and identified by the “international system” as it were in the 1800s.

Of course, the Europeans believed this to be a cunning way, as these local treaties were in no way “nationally” binding, but it is important for a rounded understanding of the concept of sovereignty held by African governments and leaders today. African political elites have made the state instruments for their own gain and use, ensuring in the process that states lack significance and foundation in the democratic process by lacking “popular sovereignty” (Olukoshi, 1999:485). Due to this factor, the state is largely irrelevant to most of its citizens. There are two notions inherent in the concept of popular sovereignty: one is the proposition that the state must be active in advancing social citizenship; second, it must reduce in-country
fighting – that is between the executive, parliament and civil society – over secret donor-driven reform processes.

In essence therefore, the concept of sovereignty is not losing its efficacy. Instead, it is changing and being ‘diluted’. Although the state in Africa is not as strong as it should be, leaders still take pride in the concepts of state sovereignty and the nation-state. There are a number of reasons for this. Firstly, African states have ‘juridical statehood' (Jackson & Rosberg, Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood, 1982), which enable them to operate and persist. Englebert (2009, p. 5) operationalizes the concept by opining that international structures give states the “the power of command” or the ability to “order people around.” In his view, since the source of power or sovereignty in most African countries is from international regimes or structures, they are seldom accountable to domestic power structures and processes. Sovereignty in this context is therefore exogenous in nature, and communities in the state have no option but to accept the national leader to access resources, opportunities and growth. Englebert’s assessment of the continent’s states is bleak: they have failed in providing what they need to for their citizens and are in fact predatory. In his assessment, juridical sovereignty is contrasted with empirical sovereignty, which is the notion that states are actually able to manage their domestic affairs and allow for popular participation. Given that the levels of juridical sovereignty vary, since democratization is a slow and ongoing process, scholars such as John F. Clark have argued it needs to be slow and incremental for it to succeed.

Based on territorial integrity, many of Africa’s states are quasi-states or failed states (Herbst, 2000). The African state is described as illegitimate (that is, lacking the backing of the people), failed, democratic or quasi-failed. Politics of the belly (Bayart, 1993), so-called personal rule
(Jackson & Rosberg, 1984), parasitic (Englebert, 2009), and static are other terms regularly used in referencing African states. Why then does it persist? It is clear from content analysis of scholarly literature that the answer lies in signals, which the state in Africa is receiving from international norms and regimes. Whether they are legitimate – such as international law and regional bodies, which provide support to governments – or illegitimate, such as the legacy of colonialism and other states which ‘prop’ failing states, is a matter for debate.

All these external sources of state legitimacy signal legal sovereignty (Clapham, Herbst, & Mills, 2001; Jackson & Rosberg, 1982; Englebert, 2009). This type of sovereignty which Krasner (1999) aptly described as “hypocritical” is a commodity which African statesmen, leaders, dictators, and the political elite are not going to let go of. It is at the very core of political processes, and therefore has to be appreciated as integral to regional and international processes. Englebert refers to this feature as the “the domestic currency of international sovereignty” (Englebert, 2009: 59 - 98).

Notions of sovereignty and international legal backing support and reinforce African leaders and state systems. It is the best way and only way for a state, which derives little to no popular support to survive. There are many challenges in controlling borders and exerting authority over large distances. In Kenya, Uganda and Tanzania, borders are porous and often illegally crossed by traders, neighboring communities, cattle rustlers and even terror networks. South Sudan, which is emerging from another civil war, and Burundi, which has a shaky history of insurrection, have problems in legitimately exerting authority on their territory and providing security for their citizens. Rwanda currently runs a unique system of government designed to reduce chances of returning to genocide and reducing conflict, but which has led to claims of authoritarianism and reduction of political freedoms. The political leaders of these countries and
the governments in particular are faced with a unique set of challenges, not unlike those that faced classical philosophers such as Hobbes, Locke and Bodin.

The version and type of sovereignty enjoyed by the majority African states today is therefore:

- Juridical, that is, derived from the international system;
- Devoid of popular support;
- Buffered by international regimes and systems;
- Reliant on militarism to ensure sustainability and territorial integrity.

To this end, African governments have no imperative but to move towards empirical sovereignty. This is due to the myriad of problems which they face, and the benefits which the international system offers them. This does not mean however that they – even the most dysfunctional of all – do not enjoy sovereignty. African states have great incentives to pursue and constantly rework notions of state sovereignty because in some cases, this is the only claim, which leaders have to legitimize their existence on the international and domestic level. The level of perseverance of African citizenry in light of the abuse of state sovereignty is not a sign of an ignorant or weak population, but one, which understands clearly the manner in which institutionalized clientelism works. In some cases, citizenry accepts the abuse of the system, in order to maintain ‘negative peace’ and access public goods. In others, armed rebellions are the order of the day. Due to the overarching influence of the international system on the African state throughout the history of the continental state construct, it is important to see ways in which the EAC, a positive and Afrocentric source of international norms, is affecting and is affected by sovereignty.
ENDNOTES

16 Transnational relations are concerned with non-state actors who are able to move across borders with relative ease and interact with others in other nations. These are multinational organizations, advocacy networks and
17 Herein is the danger of the legal aspects of sovereignty, and the notion of basing sovereignty on legal ability and recognition. There is evidence of European powers exerting force to secure territories and installing elitists at the helm of the African state, which is symptomatic of the problems relating to state and sovereignty today. Refer to: S. Forster, W. J. Mommsen, and R. Robinson (eds.), Bismarck, Europe, and Africa: The Berlin Conference and the Onset of Partition (1988); A. C. McEwen, International Boundaries of East Africa (1971); C. H. Alexandrowicz, The European–African Confrontation (1973); K. Ingham (ed.), Foreign Relations of African States
18 This term was first used to describe King Charles’ rule from 1629 – 1640 when the monarch, angered by the assassination of the Duke of Buckingham, vowed never to call a gathering of the parliament again. He relied on political alliances and personal associations to rule, reducing the monarchies expenses in terms of paying for “institutions” and increasing his own income. See, Mark A. Kishlansky and John Morrill, King Charles I, Oxford DNB 2004
20 Social citizenships as described by M. Roche, Rethinking Citizenship
21 This is a case where a state receives international and legal sovereignty, even when it has domestic challenges and is not able to take control of itself. Krasner (1999) described this type of sovereignty as “international legal sovereignty” because the state with this type of sovereignty is states are not necessarily able to control their domestic affairs or keep control of what other states are doing.
22 This is similar to people’s sovereignty, noted above. It is thought to have developed from the theorizing of John Locke (1632-1704) and Thomas Paine (1737-1809), and is based on the principle that governments derive their authority from the people and for the people, and should therefore respect them. It is a popular notion in human rights interventions.
CHAPTER 4: REGIONAL INTEGRATION IN EAST AFRICA

4.0 Introduction

Chapter 2 introduced the common discussions around regional integration and sovereignty in International Relations. Theorizing between the periods of 1990 – 2000s was based on the premise that regional integration would lead to a reduction in the importance of the state, and a rise in people’s sovereignty. Following the failure of regional blocs after a period of great optimism, scholars focused on economic integration processes on the understanding that these could lead to peace, political cooperation and unity. In East Africa, the rise of the second phase of East African integration created a new conundrum, which is still evident today.

Chapter 4 brought to the foreground an understanding of the nature and type of state sovereignty in Africa. It looked into common myths and theories of the state, with special focus on the odd place in which the African state finds itself. States, such as those entering into The Treaty for the Establishment of the East African Community, 1999 (hereafter, the Treaty) voluntarily cede some of their sovereignty and identity. This is something, which is widely addressed in existing literature. Krasner (1995) explored the reasons for why integration is beneficial to states, chief among them being security.

This chapter focuses on political integration in EAC II, with a brief overview of economic integration. There are two primary reasons for this, each informing the other. First, political and economic integration are distinct processes, each with its own peculiarities and challenges (Nye, 1968). At the same time, these two areas often interlay. The challenge here is the knowledge that economic integration is a precursor (Ajulu, 2010) for a successful union of political authority.
Secondly, political integration processes and goals are best placed to explain how state sovereignty has influenced and is being influenced by regional integration in East Africa.

The revival of the East African Community in 1999 (EAC II), and the addition of three new members – Rwanda, Burundi and South Sudan – has renewed the focus on the benefits of regional cooperation in Africa. The EAC has a long and illustrious history of integration (Adar & Ngunyi, 1994; EAC, 2011; Kasajia, 2004).

However, the “common usage of the term ‘integration’” (Nye, 1968: 856) is still something which is confusing. There are different meanings and applications of the term as used by policy makers, practitioners, journalists and state leaders. These sometimes differ from what scholars of international relations or international political economy surmise. Given this factor, it would be interesting to find out whether leaders of EAC II countries aspire to a political federation, the most advanced of integration processes, on the basis of a common meaning assigned to the concept of integration.

Policy makers, bolstered by input from organizations such as the World Bank and the International Monetary Fund (IMF) appear biased towards the economic, market policy and structural adjustment aspects of integration, even when peppering discussion papers and documents with terms on governance and political integration. Government representatives and high level diplomats present integration as a good thing, with the emphasis on “fast tracking” and streamlining integration processes. In such contexts, the citizenry are to a large extent left out. As a result, exactly what integration is, and to what end, is imprecisely understood by different national committees, experts, officials, diplomats, organs and practitioners.
The current challenges facing the EAC II support claims that the EAC is of a “political nature,” (Bourenane, 2002:17). The EAC II secretariat (Kiraso, 2010) and the Treaty (EAC Treaty, 2002), acknowledge the challenges which national interests, expressed in terms of power and the persistence of national institutions, create for regional integration.

This chapter delves into the historical perspectives, influences and understanding of regionalization in East Africa, with a bias on the political understandings and processes involved. It highlights the precursors to the EAC II and briefly examines the failures of the 1977 Treaty for East African Co-operation (EAC I). The main goal of the chapter is to provide an overview of the manner in which statecraft is manifested in the EAC, and thereby create an understanding of what regional integration means for sovereignty.

4.1 Overview of the East African Community

4.1.1 Laying the Foundations: EAC I

African unity and therefore integration processes are founded in Pan-Africanism (Uzodike, 2010). The EAC is one of the oldest and most successful examples of regional integration outside the European Union. The Imperial British East Africa Company (IBEA) did not seek to create any type of integration process but rather facilitate trade and administration across its East African territory. IBEA constructed the Kenya – Uganda railway in 1894 (Kasaija, 2004). Later, the East African High Commission (EAHC) legal body was created. The body enacted laws, which facilitated operations in the region. Zanzibar merged with Tanganyika and gradually became part of the EAC I processes (Kasaija, 2004). Later, the East African Railways and Harbors (EARH) was created, followed by the East African Post and Telecommunications (EAPT) in 1911, and the East African Currency Board (EACB) in 1920. The Ormsby
Commission recommended a Customs Union and the harmonization of commercial laws (Adar and Mutahi, 1994). This can be described as the first phase of the EAC I. It was largely concerned with setting up administrative organs and facilitating the activities of settlers (Kasaija, 2004).

In 1948, another era of the EAC I began, with the establishment of a common market and services (Kasaija, 2004). A commission of three governors and technical experts managed common services and resources (Kasaija, 2004). Later, an East Africa Central Legislative Assembly with limited powers was introduced.

Kasaija (2004:25-26) argues that these limited political and legal engagements, were a “quasi-federation” of the colonial East African states. A complete political federation was expected to be ushered, as per the Nairobi Agreement of 1963, but this reality faded as each of the states gained independence (Kasaija, 2004). There were stark differences in the domestic and foreign policies of the three countries: Uganda was uneasy about a central government. In addition, there were imbalances in the trade and GDP of the three countries and a feeling that national priorities had to be organized first (Kasaija, 2004).

With the failure of a political federation, the third attempt at East African integration began on 1 December, 1967 after widespread inter-national consultation and the input of expert teams (Kasaija, 2004). While it ended in failure in 1977, its achievements in terms of setting up a legal and policy framework for regional integration are laudable (Kasaija, 2004).
4.1.2 EAC II: Towards a Political Federation

States choose to limit their sovereignty in a “literal sense” when they join regional blocs so that they may increase it, in the “practical sense” (Niblett, 2016). The members of EAC II share some common characteristics, most notably geographical location, urban-rural make up and similar historical origins. Even so, there are discernible differences. Four of the countries are landlocked: Burundi, Rwanda, South Sudan and Uganda. Tanzania recently discovered commercially viable deposits of natural gas, gold and silicon. The countries have varying political, economic and social capability. Tanzania’s population stands at more than 146 million and has land mass of 1.8 million square kilometers (EAC, Quick Facts). Kenya has for years had the highest GDP, and the most vibrant economy, while Burundi has been the most privileged member (McAuliffe, Saxena, & Yabara, 2012).

EAC II was signed on 30 November 1999 by the three original member states namely, Kenya, Uganda and Tanzania. The Republic of Burundi and the Republic of Rwanda acceded to the EAC Treaty on 18 June 2007 and became full members of the Community with effect from 1 July, 2007. Strife-afflicted South Sudan, joined the EAC on March 2, 2016 (Jeffery, 2016), amid reports that an application from Somalia was pending. South Sudan had originally applied for membership in 2011. Her application was declined because of “institutional weakness.” The membership of South Sudan is a signal that political federation is a process (Kiraso, 2010), but a process led by leaders of states nonetheless.

In accordance with the provisions of the Treaty (2002, art. 5, par 1), the partner states undertook to establish among themselves a Customs Union, a Common Market, a Monetary Union and, ultimately, a Political Federation. The goal is to ensure that resources are shared equitably and
with balance among all the member states (EAC, 2011). Balassa (1961), renowned for his theory which provided a comparative model for understanding integration, posited that a political union is the highest level of integration, developing from lower forms such a free trade area, customs union and common market. The EAC II is not necessarily modelled on Balassa’s theory of economic integration; however, it has resemblances to it, especially in its incremental approach.

Sixteen years since the founding three members signed the treaty for EAC II, the dynamics of the states of EAC II have changed. Uganda and South Sudan have large oil deposits; Burundi and South Sudan continue to be rocked by civil strife. At the same time, some states maintain membership in overlapping regional blocs (Gupta & McHugh, 2012). Kenya’s economy is experiencing stagnant growth while Tanzania has found new natural resources in the country. All factors constant, it would appear that a shift in the balance of power in the region is imminent.

EAC II has made considerable gains in the area of trade, with the Customs Union established in 2005 and the Common Market in 2010. These changes in the trade and policy areas of the EAC II have made it a desirable regional bloc to join and given it recognition in international affairs (Makame, 2012).

While a political federation is not viewed as an end in itself in EAC II (Kiraso, 2010; EAC, 2016), it is viewed as the ultimate objective of the union. Due to this, EAC II heads of state called for the fast tracking of a political federation in August 2004, and set up a committee to examine ways of fast tracking the federation (EAC, 2006). Thus, according to Kasaija (2004), there is political will to realize the dream of a political federation in East Africa. Unfortunately, leader-led initiatives and the inability to include the people hamper integration processes all over Africa. Problems may also be due to varied interpretations of the concept of federalism.
Under federalism, more than two states agree to form a political union with a central organ of power, while retaining elements of autonomy at the local level. In regional integration theory, federalism represents a middle ground between political cooperation and political union (Kasaija, 2004). In this situation, states do not necessarily cede their sovereignty.

Haas (1958) defines regional integration as a “process” where political actors “shift their loyalties, expectations and political activities toward a new centre.” The problem with this definition, as Nye (1968:858) has pointed out is the fact that it combines a number of steps, while clearly referring to a process; and, “lumps together several potential indicators: i) political activities; 2) loyalties; and 3) new institutions possessing jurisdiction.” The same problem is evident in EAC II which in its wording and description of the different elements of the Treaty implies that there are four steps in regional integration, namely: an East African Customs Union; a Common Market; a Monetary Union; Political Federation.

The first two are “transitional stages to” the East African Monetary Union (EAMU) and the political union is the “ultimate” goal (EAC Treaty, 2002). The Treaty, in its wording and sequential referencing of the activities in regional integration, clearly outlines and creates steps in regional integration. This explains why practitioners and EAC heads of state, when referring to regionalization efforts oscillate between referring to the steps (or stages) in regional integration and processes. For instance, Kiraso (2010) advances the thesis that a political federation is a process, while in his analysis of the challenges facing the EAC II (Makame, 2012) makes references to “stages.”

Differences in conceptual interpretations may be the reason why a number of studies on regional integration in EAC II avoid specifying an eventual political union, even in instances where a
study, while biased towards economic integration, is overarching the entire integration process. This could be primarily because of trends in globalization (Ajulu, 2010) and the influence, which international monetary organizations have in funding and providing assistance for the EAC II. It could also be due to differing perspectives on regional integration, which focus on the formal and therefore, largely economic regional agreements (Fawcett & Hurrel, Regionalism in World Politics, 1995).

There is another reason, which hinges on the complexity of political unions, juxtaposed against the primacy, which a political federation occupies in the EAC II. Nye (1968), quoting Philip Jacob and Henry Teune, says political integration is a community which works together to promote shared interests. In this way, the political integration is a set of actions, which could be inherent in other types of integration.

Before a political federation can be achieved, there needs to be deepening of political integration efforts (Mohiddin, 2005), since a political federation is dependent on other efforts within a regional bloc. Such efforts need to be anchored in democracy, economic engagement, popular participation and administration. This view echoes the assertion in Collier (2012) that institutions and structures need to be improved for deep integration to occur in East Africa.

The next section (5.2) examines the notion of political federation from the perspective of integration theory as an avenue for providing suggestions on how it can be actualised.

4.2 Theoretical Dimensions of the Concept of Political Integration
Political integration can be identified by using four key indicators, namely: shared institutions; developing common laws, goals and regulations; gradual transfer of sovereignty from the various member states to the center; having a shared identity.

Nye (1968: 865), points out that definitions of integration can be economic, social or political in nature. In his argument, political integration refers to “formation of transnational political interdependence.” He further resolves a dispute surrounding the notions of hierarchy and steps by stating:

“By stressing type rather than levels of integration we can indicate how various usages of integration relate to each other without having to decide … which is prior or more easily achieved,” (Nye, 1968: 858; emphasis added). Nye further distinguishes four types of political integration, namely: institutional; policy integration; attitudinal/Communal; Security Community.

1) Institutional Integration

Nye (1968: 866) states that institutional integration is concerned with the strength of institutions, their methods and importance in ensuring the success of political unification efforts (Figure 7).

![Figure 6: Scale of Institutional Integration](image-url)
The figure illustrates the manner in which the term ‘integration’ is commonly used, when defining political unity efforts and measuring them in terms of the institutions in place and their capacity. Nye (1968) insists that this approach is wrong, because some of the terms – such as that of *supra-nationality* and *confederation* could overlap. Indeed, there are regional blocs, which have characteristics to the left and to the right of this scale, which still prefer to be identified as regional groupings. The scholar states that there are two subcategories of institutional integration: bureaucratic and jurisdictional. The following are some of the identifiable characteristics in the scale:

a) Using the strength and size of these institutions, a discrepancy could be that this occurs due to external factors – not governments ceding sovereignty and resources. Given the amount of donor assistance into the current EAC II, this could very well be the reason. In this context, institutional strength is measured as a percentage of member state national budgets.

b) Secondly, there is the legal jurisdiction of these institutions. It concerns the issue of how effectively they can affect the decisions of national actors. The question might be asked however: How binding are their decisions?

Jurisdictional integration is judged by, “supra-nationality of decision making,” “scope of legal powers,” “fulfillment of scope,” and “expansion of jurisdiction” Nye (1968: 867). By way of comparison, supra-nationality is assessed by the levels of binding decisions, which these institutions can implement and they include:

- Those by administrative organs;
- Those made by a segment of the membership;
- Those made by all government representatives, without the option of a veto;
- Those made by government representatives, which can be vetoed;
- Those made unanimously.

Nye (1968) suggests that lawyers, political scientists and practitioners use the second component jurisdictional integration projects, that is the scope, to evaluate the success of integration
processes. Using these pillars, bureaucratic institutional integration and jurisdictional institutional integration can be compared, and an understanding of the type of integration in the EAC II arrived at.

2) Policy Integration

This refers to the extent to which the decisions made by a group of countries are unitary or common. It is assessed from the perspective of three features: the number of segments which are treated in common i.e. ‘the scope’; how much of a segment is treated in common, i.e. ‘the extent’, and how important it is that is, as reflected in its ‘salience’ (Nye, Comparative Regional Integration: Concept and Measurement, 1968). According to the scholar, the variance is what determines the extent to which integration is actually taking place. Here, extent is the most important aspect of measuring the integration efforts. To circumvent the problem, which arises when governments inevitably place more importance on some policy areas than others, thus rendering this method of assessment useless is its use Leon Lindberg’s index of salience, as described by Nye (1968). It creates a list of key policy areas, whose scores can be assigned based on whether decision are made multilaterally (giving them a high score) versus whether they are made on an individual state basis, unilaterally, (resulting in a low score). Table 1 provides an example of how Lindberg used his assessment system to provide scores for three regional groupings, in Africa, Central America and Europe Nye, 1968: 870).
Table 1: “Table of Extent” by Leon Lindberg (1967)

c). Attitudinal/Communal Integration

This dimension refers to a sense of community and shared identity held by a regional grouping. Nye (1968), states that this can be understood through interviews, content analysis and an assessment of public opinion.
d). Security Community

This concept was created through an analysis of the reduction of hostile inter-state behavior in the 1960’s. The central underpinning is that countries within a particular regional grouping find it harder to go to war with each other, in part because of the shared sense of community (Nye, Comparative Regional Integration: Concept and Measurement, 1968). In Table 2, Nye (1968:875) provides a breakdown of the various types of integration.

<table>
<thead>
<tr>
<th>Type of Integration</th>
<th>Subcategories</th>
<th>Type of Evidence and Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Economic (EI)</td>
<td>Trade (EL₁)</td>
<td>Regional exports as percentage of total exports</td>
</tr>
<tr>
<td></td>
<td>Services (EL₂)</td>
<td>Expenditure on joint services as percentage of GNP</td>
</tr>
<tr>
<td>II. Social (SI)</td>
<td>Mass (SIₐ)</td>
<td>Transactions (trade, mail, etc.)</td>
</tr>
<tr>
<td></td>
<td>Elites (SIₐ)</td>
<td>1. Intra-regional air passengers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Students in neighbor countries as percentage of total students</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Other</td>
</tr>
<tr>
<td>III. Political (PI)</td>
<td>Institutional (PI₁)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Bureaucratic</td>
<td>Budgets and staff as percentage of budgets and administrative staffs of all member countries</td>
</tr>
<tr>
<td></td>
<td>b. Jurisdictional</td>
<td>Supranationality of decisions; legal scope; expansion of jurisdiction</td>
</tr>
<tr>
<td></td>
<td>Policy (PI₂)</td>
<td>Scope (percentage of ministries or equivalents affected)</td>
</tr>
<tr>
<td></td>
<td>Attitudinal (PI₃)</td>
<td>Salience (ranking of fields by experts and by expenditure by fields)</td>
</tr>
<tr>
<td></td>
<td>Security Community (PI₄)</td>
<td>Extent (Lindberg scale of locus of decision)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Elite and mass polls probing identity, intensity, urgency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bargaining behavior; flexibility in length of time and number of fields</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hostile incidents (case studies)</td>
</tr>
</tbody>
</table>

Federalism—High P₁ (B₁+J₁) necessary for P₃-4;
Functionalism—High P₃ makes P₁ and P₄ irrelevant for P₅;
Neofunctionalism—High P₃ and intermediate level of P₁ will lead to higher P₄, possibly high P₅ and P₆.

Table 2: Types of Regional Integration
In 1971, Nye revisited his work and expanded his notion of political integration. He proposed that the degree of political integration can be assessed based on multilateralism in relation to how it pervades the areas of information distribution, national laws and actions and state activities. He also suggested that another way of looking at multilateralism is to consider the manner in which decisions are made – unanimously, by majority vote or by vote with the opportunity to veto (Legrenzi, 2008:21).

Akokpari (2010:82) states that the characteristics and types of governance in African countries will continue to shape and influence “any integrative initiatives on the continent.” He takes the position that since the 1990’s, there has been a general trend towards deepening of regional initiatives and good governance on the continent. This is a positive development for initiatives aimed at achieving the different forms of integration in Africa.

This can be surmised from the efforts, which international intergovernmental organizations, such as the World Bank (WB) and the International Monetary Fund (IMF), put into shaping regional groupings, especially economic ones. These bodies are often involved in either providing technical support, funding and research funding to integration bodies such as the EAC II. The challenge in the regional integration vs. good governance dynamic is that some of these bodies appear to incorporate national cultures at the regional level (Akokpari, 2010).

That the EAC II has a political federation as its goal might appear to be an antithesis to the state; however, it appears that it is complementing and encouraging peace and state building. Why else would there be members such as Burundi and South Sudan in the EAC II?

The primary finding of this chapter is that EAC II is still a leader-led initiative. The heads of states may request “national consultations” and experts may request people-centeredness;
however, the nature of the organization is unlikely to change. This works in the interests of the member states and is appealing, especially in a region where the state is largely artificial. To sustain this balance, the EAC II is sensitive to the desires and needs of the individual member states. The collapse and restructuring of the bloc is a sign that despite its challenges, it is very much aware of political realities in the region.
5.0 INTRODUCTION

State sovereignty is dominant in East African politics. A description of the relationship between the state and regional integration is not possible without an analysis of the interplay between state sovereignty and regional integration in the region.

Of course, a purely empirical analysis is not possible, as there are many factors which impact the level and degree of state sovereignty globally. Consequently, four key areas inform the direction of the analysis namely: sources and types of state sovereignty; motivations for regionalization; levels of Eastafricanisation; EAC II handling of the Burundi crisis.

An analysis of the speeches that were made from 2009 – 2016 by EAC II heads of state provides useful insights on their perception of the relationship between state sovereignty and regional integration. It is thus an important component in this concluding chapter.

5.2 KEY FINDINGS

5.2.1 Types of Sovereignty in East Africa

Since the East African countries gained independence in the 1960s, neopatrimonialism has robbed the continent’s state structures of their role in driving development (Adar, Juma, & Miti, 2010) and ability to lead with integrity. The African state, “was from its very inception at colonization, built upon the logic of command and control with the secondary objective of extracting as much value from the territory as possible” (Kock, 2010:21). The failures of the African state to operate and therefore, the problems with state legitimacy, conflicts and
weaknesses in regional efforts are traceable to colonial legacies and the challenges of African governments (Adar, Juma, & Miti, 2010). There are a number of models of state sovereignty that can be used to analyse the East African context.

**Sovereignty in East Africa: Model 1**

Scholars and practitioners categorize states as *strong, weak or failed*. This categorization is based on their capacity to provide “political goods” which according to Rotberg (2003:2-3) is among other things the ability to: provide security for its citizenry by protecting the borders, preventing loss of territory, thwarting terror attacks and resolving internal disputes without resorting to extreme physical force; adapt norms, which are acceptable for society and provide, means for citizens to address challenges and problems, which they may have amicably.

Political goods can also be seen in the extent to which citizenry can participate freely, openly and deeply in political processes or in contexts which have proper administrative and infrastructural processes that enable citizens to have fair and equal access to schools, hospitals, banks and other resources for the improvement of the quality of life.

Rotberg ranks these qualities or political goods in order of importance, on the premise that without security, citizens have no access to a quality life. States, which face the challenge of failure to ensure security, can be described as ‘failed’ states. A failed state can only have juridical sovereignty. In the opinion of Rotberg (2003), there is no state devoid of weaknesses. It is only those entities which are repeatedly unsuccessful in delivering political goods that can be labelled as ‘failed or collapsed states.” Rotberg’s ranking, when applied to the member states of EAC II, results in the scenario depicted in Table 4.
Table 3: Status of EAC II Member States

<table>
<thead>
<tr>
<th>Strong:</th>
<th>Weak:</th>
<th>Failing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Perform well across all categories 2. Secure borders. No risk of territorial loss 3. Perform well according to global development indicators 4. Good infrastructure and services for citizens</td>
<td>1. Mixed performance across all categories 2. Inability to secure borders 3. At risk domestically because of tensions and poor governance 4. Little regard for the rule of law; although this is nominally applied 5. Class, ethnic or religious tensions</td>
<td>1. Poor performance in all areas, but particularly in security 2. Illegitimate power structures, which fuel constant violence 3. Numerous warring groups 4. Authority figures prey on their citizenry 5. Weak state authority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>KENYA</th>
<th>TANZANIA</th>
<th>SOUTH SUDAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>RWANDA</td>
<td>BURUNDI</td>
<td>UGANDA</td>
</tr>
</tbody>
</table>

It is a theoretical analysis of the EAC II member states, using Rotberg’s theory of the state, which regards as significant a state’s ability to provide political goods to its citizens, apply certain levels of democracy and secure borders. His method of analysis is an intersection between the Westphalian theory of sovereignty and modern thinking on democracy and human rights. An understanding of the level of democracy provides insights into the degree to which citizens participate in political decisions. In turn, this can provide an understanding of the legitimacy of their sovereignty. One key area is a state’s ability to secure its borders. This is the ultimate test of its domestic sovereignty.

This analytic model is simple and makes it possible to draw conclusions based on the functionality of state processes. The application of the model shows that the EAC II member states are either weak or failed, and therefore have juridical sovereignty at best. The conclusion is problematic for the present study as it assigns the same (or similar) levels of sovereignty for all the EAC II member states, leaving little room for variance.
Sovereignty in East Africa: Model 2

Appendix 1 presents an alternative method for analyzing the member states of the EAC II. It attempts to locate each of them in five descriptive areas, after taking into consideration the unique set of circumstances faced by African countries. To avoid the oversimplification implicit in Rotberg’s model, an alternative method of conceptualization is used. The following are the conclusions from the analysis:

South Sudan

The five years-old country has not known peace since it gained independence five years ago. While challenges are hardly surprising due to the multiplicity of armed rebel movements prior to cession (Leriche & Arnold, 2012), the situation today is dire economically and politically. The Juba Declaration of 2006, which sought to create inclusivity, has not worked as expected. The current political crisis and lack of state authority has its complex origins in ethnic tensions, border disputes, economic inequality, Khartoum’s legacy and a fractured sense of nationalism. The state faces numerous challenges to its sovereignty: Fragility of borders, inability of the government to broadcast power in its territory, lack of governmental authority and integrity and an extreme nature of state fragility. The EAC II member state is severely inverted, with a juridical sovereignty drawn external sources.

Burundi

Burundian regimes have a history of intense militarization and fragmentation (Ndikumana, 2001), compounded by a divided army (Vircoulon, 2015). Prior to the current crisis, the civil war was resolved because of the Arusha Peace and Reconciliation Agreement of August 2000 (Vandeginste, 2015). Burundi’s civil wars are due to poor governance and lack of inclusivity for the various polities in the country (Ewusi & Akwanga, 2010). The current regime is facing the
same challenges and the executive relying on an increasingly fragmented military and international regime to maintain power. The borders are highly porous and susceptible to neighboring attacks, while institutions are compromised with the government unable to protect large sections of its population. It is therefore an inverted state, with juridical sovereignty.

**Kenya**

Governance in the post-independence period was elitist and exclusive, beginning in the Jomo Kenyatta era (1963 – 1977) and continuing into the Daniel Arap Moi era (Branch & Cheeseman, 2009). Even after the introduction of multiparty elections, a winner-takes-all style of governance has led to societal fragmentation, marginalization and reversed gains made in the areas of political liberalization. Despite its authoritarian origins and weak democratic institutions, Kenya has evidence of deep and wide reaching state capabilities and integrity of the state. These include the ability of regimes to adjust to challenges domestically, widespread influence of institutions, quick means of dealing with insurrections and domestic problems, a drive to create independent institutions and administrative structures to manage domestic and international polities. While the state has not achieved the highest level of political goods provision, its sovereignty is empirical and derived from domestic as well as external sources.

**Uganda**

Uganda is a country, which stabilized more from a security perspective, yet has had the same president since 1986. The country enjoys an uneasy peace, and is wrought with political and equality challenges. Despite these challenges, this state has empirical sovereignty, based on its integrity, ability to maintain a semblance of order and relatively secure borders. Its source of sovereignty is also domestic and international. While the state of Uganda does not derive its
sovereignty solely from international support and norms, it does receive a lot of military support from the United States.

**Tanzania**

Tanzania survived the transition from the cold war (Boone, 1998) without major violence incidences. It also has the smoothest record of inter-presidency transitions and fewest reports of internal violence. In this respect, it performs the best of all the EAC II member states, despite the initial challenges of integrating Zanzibar into its nationalistic ambitions. Even though Tanzania is a multiparty country today practicing capitalism, the legacy of *Ujamaa* has helped bridge ethnic, religious and cultural divides (Bjerk, 2010:288). Being one of the three founding states of the EAC II, this country has empirical sovereignty. The source of sovereignty is domestic, strengthened by international norms, due to the manner in which the state was constituted.

**Rwanda**

The state in Rwanda has a history of authoritarianism, and the current regime is not different (Reyntjens, 2004). It has a volatile pre-independence and post-independence history, as well as the 1994 genocide. The cost of this has been great. The regime of Paul Kagame has been reluctant to open up political space supposedly in response to genocide and ethnically motivated divisions. Supporters of the current regime argue that restricting certain freedoms is the only way to maintain peace. Economic growth in the country is robust. Administrative structures are effective and there is an overriding sense of peace in the country. Kagame has been able to bring under control a state which was hitherto unmanageable and under constant threat of disintegration. Whatever the means of organizing domestic politics, the sovereignty that Rwanda enjoys is empirical. It was initially derived from international sources, but today it is based on domestic as well as international norms.
5.2.2 Speeches by Heads of State

The speeches that were made from 2009 – 2016 by EAC II heads of state to either the East African Legislative Assembly or the East African Community Summit were analysed, using the coding agenda described below.

In constructivism, there are no predefined realities or states of being in international relations. Therefore, assessing the context and words of heads of state can give insight into the reality of state sovereignty and regional integration in East Africa. The assumption herein is the proposition that regional integration is a leader-led activity in East Africa. Consequently, the views of heads of state can provide insights on regionalization motivations.

The speeches are in the form of publicly available texts which provided a definitive idea of what the executive organs of each of the member states thinks about the EAC II and the integration efforts. The study used the process in Marying (2000) to examine the texts. This process is based on the following procedure:

1) **Selection**: Texts which were made around significant dates in EAC II, as per Appendix 2 were analyzed, and those from a meeting of EAC II heads of state or EALA between the period when Rwanda and Uganda joined the current period chosen. They are on the subject of regional integration or state sovereignty, and attributed to a given head of state directly.

2) **Summary**: A summary of the speech, through paraphrasing, highlighting and the use of quotes was carried out using the computer software QDA Miner Lite. This led to an understanding of what the heads of state were communicating, on regional integration and/or sovereignty, without changing their wording or inferences.

3) **Explanation**: This was governed by an understanding of common terminology and concepts as outlined in this study. Aspects of language use, context and tone were also considered.

4) **Structuring**: In this stage, particular structures of the text were filtered out by reviewing text and dividing it into “coded” categories. This allows for an understanding of the structure of the material, and placement into pre-defined units of analysis.
An exemplification of this procedure is shown in Table 4.

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
<th>Coding Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1: First level interest for EAC II political federation</td>
<td>These leaders <em>explicitly</em> state their interest in political integration, which means: a constitutional relationship; two levels of government; separate levels of decision-making; legally binding political communities. Indicators of desire for political integration are: strong shared institutions; unitary decision making; sense of community; security community; It could also be marked by low interest in regional integration.</td>
<td>Coding is implemented using markers developed in Chapters one (literature review), Chapter two and Chapter three.</td>
</tr>
<tr>
<td>C2: Middle level interest in EAC II political integration</td>
<td>These leaders are <em>somewhat</em> interested in political integration, which means: a constitutional relationship; two levels of government; separate levels of decision-making; legally binding political communities. This is visible through some, though not always explicitly stated, interest in: shared institutions; unitary decision making; sense of community; security community. It could also be marked by some interest in regional integration.</td>
<td>Coding is implemented using markers developed in Chapters one (literature review), Chapter two and Chapter three.</td>
</tr>
<tr>
<td>C3: Low level interest for EAC II political integration</td>
<td>- These leaders are <em>ambivalent</em> interested in political integration, which means,  - A constitutional relationship  - two levels of government  - separate levels of decision-making  - legally binding political communities  - This is visible through some, though not always explicitly stated, interest in:  - Shared institutions  - Unitary decision making  - Sense of community  - Security Community  - It could also be marked by piqued interest in regional integration.</td>
<td>Coding is implemented using markers developed in Chapters one (literature review), Chapter two and Chapter three.</td>
</tr>
</tbody>
</table>

Table 4: Coding Mechanism for Speech Analysis

**Markers of Political Integration**

Eleven cases were chosen for this analysis. These are cases made between the period of 2009-2016. They were chosen on the basis of the following criteria:

- Issued by a President of an EAC II member state country;
- Presented during a key EAC II activity;
• Level of representation for each country amounting to at least two. This allowed for comparison over the period when there were five EAC II members of states. The exception was Tanzania, which has had the opportunity to hold the EAC II chairmanship more times;
• Verbatim representation of the presidents’ original presentation.

Speech analysis based on the coding mechanism resulted in the identification of the following categories: political integration, economic integration and national interest-member issues. These broad categories had sub-categories, which could be linked to specific phrases, paragraphs and sentences and coded to reflect an understanding of:

• The type of integration mentioned or discussed the most in the speeches;
• Salience of national issues and country politics;
• Prevalence of interest in political integration.

Table 5, summarizes the findings derived from this analysis.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>CODE</th>
<th>COUNT</th>
<th>% CODES</th>
<th>TOTAL CATEGORY %</th>
<th>CASES</th>
<th>% CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>POLITICAL INTEGRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security Community</td>
<td>14</td>
<td>10.10%</td>
<td></td>
<td>54.6%</td>
<td>9</td>
<td>81.80%</td>
</tr>
<tr>
<td>Sense of Community</td>
<td>38</td>
<td>27.30%</td>
<td></td>
<td></td>
<td>10</td>
<td>90.90%</td>
</tr>
<tr>
<td>Central Institutions</td>
<td>17</td>
<td>12.20%</td>
<td></td>
<td></td>
<td>10</td>
<td>90.90%</td>
</tr>
<tr>
<td>Unitary Decision Making</td>
<td>7</td>
<td>5.00%</td>
<td></td>
<td></td>
<td>6</td>
<td>54.50%</td>
</tr>
<tr>
<td>ECONOMIC INTEGRATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade / Economic Cooperation</td>
<td>13</td>
<td>9.40%</td>
<td></td>
<td>37.5%</td>
<td>7</td>
<td>63.60%</td>
</tr>
<tr>
<td>Infrastructure / Ease of Business</td>
<td>14</td>
<td>10.10%</td>
<td></td>
<td></td>
<td>9</td>
<td>81.80%</td>
</tr>
<tr>
<td>Customs Union / Common Market Progress</td>
<td>25</td>
<td>18.00%</td>
<td></td>
<td></td>
<td>9</td>
<td>81.80%</td>
</tr>
<tr>
<td>NATIONAL INTEREST AND MEMBER STATE ISSUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Issues</td>
<td>3</td>
<td>2.20%</td>
<td></td>
<td>7.9%</td>
<td>3</td>
<td>27.30%</td>
</tr>
<tr>
<td>Sovereignty</td>
<td>2</td>
<td>1.40%</td>
<td></td>
<td></td>
<td>1</td>
<td>9.10%</td>
</tr>
<tr>
<td>Elections</td>
<td>6</td>
<td>4.30%</td>
<td></td>
<td></td>
<td>3</td>
<td>27.30%</td>
</tr>
</tbody>
</table>
Indicators of Interest in Political Integration

As Appendix 3 shows, all the EAC II heads of state reference political federation, as either a “process,” “stage” or “ultimate goal” of regional integration. However, there are stark differences in the manner in which this is mentioned with some leaders using language, which is more impassioned and urgent when referring to a political federation. Uganda, Kenya and Rwanda are keen on this concept, with Uganda coming across as a key champion of political integration in each of these speeches.

Tanzania, one of three founding members of the EAC, is not averse to the idea but prone to focusing on the economic integration aspect. At the time of their chair, Jakaya Kikwete and Pierre Nkurunziza took time to talk about democracy and the various national elections taking place at the time. The tone and placement of this text in the speech is an allusion to the
legitimacy and sense of comradery, which these leaders derive from the EAC II. It is noteworthy to state that these are speeches made to the EALA, and therefore signal an attempt to include the legislature, and by extension the people in the East African integration process. However, the wording and the form of address by the heads of state, is still in a top-down style, where even the inclusion of the people of East Africa is prompted or rather, propelled by calls from the presidents, directing the EAC Secretariat to hold national consensus.

Of all the EAC II heads of state who have addressed the EALA, Uganda’s Yoweri Museveni is the most impassioned and direct about regional integration. The text of his speech is a lot more informal when compared to the other heads of state speeches. It appeals to the ideals of Pan-Africanism, with the underpinning that political integration is the best way to achieve a strong and competitive East Africa. The reader gets the sense that the author, through his speechwriters if at all, truly believes that a political federation is a do-all and end all of the EAC II. As opposed to referring to the process of integration and mentioning the political federation, he makes a case for it. The speeches analyzed are one of many instances where the Ugandan president is on record, advocating for the hastening of the political integration process.

The position of Tanzania on the EAC II appears to be deeply rooted in government policy, rather than on the personality of individual Tanzanian leaders. The speeches of John Maghafuli in 2016 and Jakaya Kiwete in 2016 are quite similar and on the issue of political integration, there is stiffness, which is almost non-committal. There is a preference for the economic as opposed to political integration, with deep emphasis on the national interests of each of the states and similarly structured or worded sentences. The two speeches in 2015-2016 had identical messaging concerning elections, the nature of partnership in the EAC II and the nature of the integration process, with a bias towards economic integration.
Paul Kagame is interested in the political federation, more as a concept to assist in the security community. Burundi’s Pierre Nkurunziza appears to draw a great source of legitimacy and support from EAC II, as can be deduced from Appendix 5. The statesman, in both his addresses is keen to draw on the support which the EAC II heads of states offer, and revels in his time as the chair of EAC II.

5.2.3 The Case for Political Integration and National Sovereignty

Interestingly, references to political integration make up 54.6 % of the texts that were analyzed, not because the issue is directly mentioned, because of the concepts of security community and sense of community (attitudinal) as conceptualized in this study. There is also a small element of policy and institutional integration, which are based at the center and whose decisions are taken at the center. On the regional level therefore, the case for political integration is quite strong. Figure 9 highlights the indicators of political integration.

![Figure 8 Indicators of Political Integration: Analysis of EAC II Heads of State Speeches 2009 – 2016](image-url)
Attitudinal integration is highly prevalent among the elite and practitioners in the EAC II based on the language used in the presidential speeches. The sense of community is a testament to this and accounts for the high prevalence of political integration efforts in the EAC II (Figure 9). There is acknowledgement that political will is important for the implementation of deep integration. Another prevalent issue is collective security, as evidenced by the efforts to cooperate on matters of state stability on the domestic level as way of combating terror (Table 7)

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Count</th>
<th>% Codes</th>
<th>Cases</th>
<th>% Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Integration</td>
<td>Security Community</td>
<td>14</td>
<td>10.80%</td>
<td>9</td>
<td>81.80%</td>
</tr>
<tr>
<td>Political Integration</td>
<td>Sense of Community</td>
<td>33</td>
<td>25.40%</td>
<td>9</td>
<td>81.80%</td>
</tr>
<tr>
<td>Political Integration</td>
<td>Central Institutions</td>
<td>16</td>
<td>12.30%</td>
<td>10</td>
<td>90.90%</td>
</tr>
<tr>
<td>Political Integration</td>
<td>Unitary Decision Making</td>
<td>7</td>
<td>5.40%</td>
<td>6</td>
<td>54.50%</td>
</tr>
</tbody>
</table>

Table 6: Indicators of Political Integration: Categories and Percentages

On a philosophical level, there is a strong desire for political integration when compared to national interest (Figure 10). Tanzania is the only exception to this, as Appendix three shows. However, there is a clear desire for regional integration in general for heads of state, political elite, medium-to-large scale business owners, and experts. One surprising aspect is that at the regional level, nation-centric posturing and national sovereignty do not come across quite as strongly, due largely to the attitudinal sense of integration which is felt due to: common borders, prevalence of similar communities in the countries, shared colonial experiences as well as a desire for peace and prosperity. With the exception of Tanzania, there is not a clear emphasis on national interest in the presidential speeches on regional integration. Burundi, while clearly excited about membership in the EAC II is in some way using its membership to legitimize the state and participate in state-rebuilding as can be evidenced in the wording on elections in Appendix five.
From the analysis of the data, a summary of the key findings of the study demonstrates the following:

1) Regional integration is appealing to leaders of EAC II member states, even more than it is to the ordinary citizenry. However, the motivations for each of these leaders is different and not necessarily in tandem with theoretical assumptions;

2) The EAC II shapes how member states are structured by providing values and norms for member states to adhere to, and a minimal level of democratic principles;

3) State sovereignty in turn influences the EAC II, leading to its leader-led approach to integration, half-hearted implementation of pillars and use of the EAC II as a legitimizing organ whenever necessary.

4) The EAC II, with its illustrious history and heads of state summit, is a source of domestic state sovereignty, the pursuit of national interests and regional peace projects as evidenced by the membership of Burundi and South Sudan.

5) There is a likelihood of *Eastafricanisation* in the long term, based on the ambitions of EAC II member states, and the slow yet real process of people-centeredness.

*Figure 9: Distribution of Political Integration vs. National Interest Indicators*
5.3 Discussions

Country politics are evident on the regional level, even as South Sudan joins the bloc. An example is Tanzania, which instituted a ‘Food Export Ban’ preventing its farmers from making use of EAC II trade arrangements (Makame, 2012). This created trust-challenges with other member states, leading to further confusion among its citizens over the aims and goals of the EAC II. This kind of national decision-making, demonstrates “lack of political will”.

The reaction is at odds with the EAC II treaty, which calls specifically for a political federation. Since the EAC II marked its 10-year anniversary, has been a marked increase in calls for a political federation from some state leaders and concern about the first three pillars by other leaders. Uganda, Rwanda and Kenya are prone to taking decisions on their own, and appear to be the most enthusiastic about a political federation (Ligami, 2015). Tanzania is seemingly ambivalent and focused on the economic aspects of integration. Burundi is concerned with sorting out its domestic problem first while South Sudan, the newest EAC II member has not had time to introduce its interpretation to the debate.

Economic integration is working, but only to the extent to which state leaders will allow. Donor agencies are the primary funders and in some cases initiators of meetings, studies and research projects which assign meaning to the integration processes. The EAC II is supported by other regional organizations, at times getting its funding from them. For instance, the International Monetary Fund (IMF) has been a key technical support partner (Sezibera, 2012) in the process of realizing the East African Monetary Union (EAMU). The common market was to be launched in 2011 and still faces challenges, mainly because of fixation on CET common external tariff (CET). Since 1992, economic growth rates in EAC countries (with the exception of South Sudan
which was not a member at the time) improved greatly, doing better than other countries south of the Sahara (McAuliffe, Saxena, & Yabara, 2012). Other than in the area of economic growth and benefits, there have been improvements in the areas of governance and institutionalism in Kenya, Uganda, Tanzania and Rwanda. This is linked to liberalization of markets and pro-market reforms (McAuliffe, Saxena, & Yabara, 2012). Contrary to popular expectation, the gains in economic cooperation and integration are not leading to deeper integration.

Regional integration processes are appealing to leaders who want to benefit from collective security, trade agreements and shared bargaining power. The reality of the EAC II is that citizens in the EAC II are out of touch with the aims and ambitions of the EAC II. This is not a challenge unique to Africa, as the recent developments in the European Union (EU) illustrate. There is a return to nation-centric politics as citizens across the world grapple with the challenges, which a globalising world brings. The EAC II secretariat is aware of challenges, which the institution faces. People-centeredness and acceptance of the EAC II is still a problem (Makame, 2012), as is the lack of political-will which faced EAC I (Nyong'o, 1990; Bourenane, 2002).

Heads of state, senior government officials, technical experts and heads of government maintain dominance in discussing EAC II problems. This is through high-level meetings and discussions. There have been attempts to gather popular opinion through national consultations (Kiraso, 2010). These ‘national consultations’ fall short of the democratic threshold as the processes are carried out through well-meaning yet ineffective representative samples due to resource constraints. There has not been a referendum on EAC II, yet the member states have concrete ideologies about the four important pillars of the EAC II. Pertinent to this study is the political federation. Uganda, through President Yoweri Museveni has expressed its enthusiasm for the
process, while Tanzania, as evidenced by the speeches and actions of Presidents Jakaya Kikwete and John Maghafuli, is ambivalent. Rwanda, under President Paul Kagame is supportive of the concept, as a way of driving development in the region and achieving collective peace. Kenya under the leadership of President Mwai Kibaki was optimistic about the concept, while President Uhuru Kenyatta is cautiously supportive of what he repeatedly terms a “process, and not an event.”

Burundi and South Sudan are unique in this study as their national-aims are much different from those of the other states. These two nations are inverted, to various degrees, and are currently concerned with state-reconstruction and state building. Burundi’s Pierre Nkurunziza has an approach to the EAC II as a ‘brotherhood’ of sorts. While he was enthusiastic about his tenure as the Chair of the EAC heads of state summit, his government struggles with questions of legitimacy. The situation in Burundi and EAC II’s mediating role (Oneko & Ngereza, 2016) brought issues of sovereignty – people and state sovereignty – to the fore at EAC II. As questions emerge about intervention, the EAC II has come into sharp focus. The civil crisis in Burundi was instigated by the circumvention of electoral terms as set out in the Arusha Peace Agreement and the Constitution.

Burundi’s Pierre Nkurunziza, was notably absent when South Sudan joined the EAC II, even though Burundi had applied for chairmanship of the current round of the EAC II heads of state summit. There are allegations that he was being snubbed (Oneko & Ngereza, 2016) by the EAC II heads of state. EAC II has attempted to intercede in the Burundian crisis, through the ‘Inter-Burundi Dialogue’, a process criticized and derided for being leader and state centric. The
government of Burundi is yet to implement the recommendation of three EAC II extraordinary summits, set out to resolve the summit crisis.

This is one situation, which alludes to the fact that the EAC II is inadequate in handling political matters at the state level, which contravene its policies and practices. The conclusion, from this situation and the contradictory positions taken by various member states on the EAC II, is that the regional bloc is a creation of the member states, used for various reasons most prominently as a source of sovereignty.

Another situation, which exemplifies the nexus between the state and the EAC II, is that of South Sudan. The young country’s membership was approved during a time when there is evidence of civil strife and lack of political cohesiveness. Observers posit that membership in the EAC II can lead to better stability and democracy in the country (Jeffery, 2016). In this instance, the EAC II is acting as a state-building entity and providing legitimacy for the Juba government. As a regional institution, the EAC II also becomes a source of juridical sovereignty for a severely inverted state. This decision to admit South Sudan could also signal a need and the desire of EAC II political leaders to cement their legacy and exert their influence in the region. Uganda’s Yoweri Museveni, a firm believer in a united East Africa, comes to mind. The fact that Burundi’s Nkurunziza is being ignored signals that the EAC II members, while seemingly indifferent (Jeffery, 2016) are aware of the conundrum which illegitimate leadership and volatile states place on the regional bloc.
5.4 Conclusion

We can no longer take regional integration as a given, purely based on its intrinsic goodness and purported economic benefits. As cold war tensions fade into distant memory, and globalisation threatens jobs, nationalistic tendencies are stirring. State sovereignty, a concept that was becoming draconian – even taboo – is making a comeback. Citizens are asking questions and state leaders are utilizing regional groupings for their own benefit.

Policy wise, integration processes have realized considerable gains in handing of decision-making power and the limitation of sovereignty to a supranational level only in Europe. However, the current occurrence in Europe requires a rethinking of this type of situation.

The conclusion drawn from this work is that state sovereignty has an overriding effect on regional integration processes, particularly the EAC II. Leaders benefit from EAC II membership, even when their domestic situations are far from ideal. The EAC II is not in a position to apply the norms and principles of the EAC II fully, as the signals coming from the heads of state are stronger than those which the EAC II can send. This is evidenced by the lacklustre implementation of the customs union, and common market, and the confusion surrounding the monetary union and the political federation in particular. African states, which are younger, weaker and have less control of their borders, are more likely to cling to notions of sovereignty (in this case legal / judicial). Weaker states are prone to this (Steinberg, 2004) as a way of gaining a foothold in an anarchical world where they do not have empirical sovereignty. Deriding sovereignty (Joffe, 1999), (Brace & Hoffman, 1997), (Minde, 2012) and (Krasner D. S., 1999) as an outdated concept will not improve chances of peace nor cooperation. Thus, there is need for further practical exploration of sovereignty in the East African context, to understand
its implication, meaning and use in an East Africa with a long history of cooperation. This is especially crucial, as Western cultural attitudes, expressed primarily through Eurocentrism, are problems in the study of regional integration in international relations (Fawcett, 2005).

While once it was asked, ‘Is Europe the only place where integration can take place?’ The question now must be, ‘What are the unique sensitivities of each state to be taken into consideration concerning integration?’ The EAC II may not be functioning as envisioned, but it is an extremely useful tool for statecraft and sovereignty in the region. More studies are required to understand this concept.
### Characteristics of EAC II Member State Sovereignty

<table>
<thead>
<tr>
<th>State</th>
<th>Constitutional Definition of Sovereignty</th>
<th>Source &amp; Type of Sovereignty</th>
<th>Type of State</th>
<th>Summary</th>
</tr>
</thead>
</table>
| South Sudan   | “Sovereignty is vested in the people and shall be exercised by the State through its democratic and representative institutions established by this Constitution and the law.” | Source: Constitution, North/South Peace Agreement (CPA) of 2005, and International norms | Severely Inverted | Broadcast of Power: South Sudan is a county born out of a long armed resistance. Of these rebel movements, the South Sudan People’s Liberation Army (later, a political party and ‘Movement’) SPLA/M took the lead under John Garang. Upon his death, Salva Kiir attempted to bring together various groups under the Juba agreement of 2005. This saw a move to decentralize administrative decision-making organs outward. This process is wrought with challenges and the government of South Sudan has been unable to exert its authority over the region. Kiir’s primary focus has been on securing Juba (Leriche & Arnold, 2012).  
Constitutionality: South Sudan’s constitution making process was not inclusive and pluralistic (Leriche & Arnold, 2012), something which has led to concerns and the rise of armed rebel movements today, as well as divisions within government.  
Military Spending: South Sudan has the highest military spending in the region, with some reports estimating that between 25 - 70% of its oil revenue is goes to the military. States have to create priorities, and a big priority in the case of external threats and weak administrative systems is security, “guns versus butter”. For a state unable to manage its territory, a high budget on defense spending is the only ways to express sovereignty and enforce state authority. South Sudan spent 13.5% of its military budget on the military.  
International Support: The international community is crucial in propping the current regime. Not only are there peace-keeping missions in the country, the state is a result of an internationally recognized secession after an internal armed struggle and referendum is a signal of the external and internal dynamics of South Sudan’s sovereignty.  
Clientelism: South Sudan has a unique challenge in that it recently inherited systems of management, administration and bureaucracy |
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<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Burundi</td>
<td>“Burundi is an independent, sovereign, secular, democratic, and unitary Republic[,] respecting its ethnic and religious diversity,” Invalid source specified.</td>
<td>Constitution, Arusha Peace and Reconciliation Agreement of 2000 and International norms</td>
<td>Juridical/External</td>
<td>As with Rwanda, Burundi faces complex and potentially life-threatening challenges in state-consolidation. It manages to maintain authority structures in the same way it always has – monopolization of the security forces, an inner circle and shield around an executive presidency and stifling civil society Invalid source specified.</td>
<td>President Pierre Nkurunziza’s announcement that he would run for a third term in April 2015, against the provisions in the constitutions brought the anger and ethnically driven politics in the country to the fore.</td>
<td>Burundi has a history of military coups, attempted coups, rebellions (Vandeginste, 2015) and hostile takeovers. Military spending averages 2.5% of GDP Invalid source specified. and was reportedly 2.2% of the GDP in 2015 Invalid source specified.</td>
<td>The international community props up the regime by way of alleged support from regional governments. Sought the support of the EAC in running for a third term (Vandeginste, 2015).</td>
<td>Sustained and extreme use of force to maintain territorial integrity and broadcast authority. Based on the events of the last attempted coup, those who are closest to power enjoy benefits while dissenting voices are denied access to public goods.</td>
<td>Restrictions on freedom of speech, democratic processes and freedoms often described as “dictatorship and exclusion” (Reyntjens, 2004). Breach of Constitution, which provides for two 5-year terms Invalid source specified, by vying for a third presidential term Invalid source specified.</td>
</tr>
<tr>
<td>Kenya</td>
<td>“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.”</td>
<td>Constitution, and International norms</td>
<td>Empirical/Internal</td>
<td>Power has been concentrated around the center i.e. the executive. However, regimes are able to utilize the police, administration offices, provincial officers to broadcast authority throughout the majority of its territory, with the exception of North Eastern, where there are challenges. In urban areas, and rural areas (especially around elections) there is a history of gangs Valid source</td>
<td></td>
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</tbody>
</table>

from the Khartoum government (Leriche & Arnold, 2012). Oil is used for political patronage and is a source of conflict Invalid source specified. Numerous documented restrictions on freedom of speech, democratic processes and freedoms often described as “dictatorship and exclusion” (Reyntjens, 2004).
2. The people may exercise their sovereign power either directly or through their democratically elected representatives.

3. Sovereign power under this Constitution is delegated to the following State organs, which shall perform their functions in accordance with this Constitution:
   1. a. Parliament and the legislative assemblies in the county governments;
   2. b. the national executive and the executive structures in the county governments; and
   3. c. the Judiciary and independent tribunals.

4. The sovereign power of the people is exercised at:
   1. a. the national level; and
   2. b. the county level. *Invalid source specified.*

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**Uganda**

“The State and citizens of Uganda shall at all times defend the independence, sovereignty

**Source:** Constitution, international law  
**Type:** Empirical/Internal

**Broadcast of Power:** The Ugandan political system is a soft autocracy, mixing forms of democracy and authoritarianism. *Invalid source specified.* to maintain power and crush insurgencies in a divided state. At the center of power; power is consolidated and

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The sovereign power of the people is exercised at:

1. a. the national level; and
2. b. the county level. *Invalid source specified.*

**Kofi Annan** process led to the current situation of ‘uneasy peace’ in Kenya, and the 2010 Constitution. It is therefore arguable that Kenya derives some of its sovereignty from international regimes and processes.

**Clientelism:** The level of clientelism is not extremely high as is evidenced in other African countries, due to the states institutions. However, elitism and corruption pose major challenges to democratization and equal access to opportunities.

** Freedoms:** The country is relatively free and open, especially in comparison to some of its neighbors. Instances of extrajudicial killings, press manipulation and electoral malpractice are reported and are an impediment to a strong democracy.

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and territorial integrity of Uganda." **Invalid source specified.**

**Constitutionality:** In September 2005, Uganda’s parliament amended the constitution to remove term limits for the president, enabling President Museveni to run again in the 2006 elections.

**Military Spending:** Uganda has a long history of military coups, and the current regime is a product of a coup in 1986. Official reports of military spending indicate that amounts have been reducing, with an average of 1.4% of the GDP spent over the last three years. **Invalid source specified.** The country received large amounts of military aid from Western States, notably the United States, and is implicated in proxy wars throughout central Africa.

**International Support:** Uganda’s Yoweri Museveni was a ‘poster boy’ of reform, stability and adjustment in foreign and international development circles for many years. The country has enjoyed great sums of military and development aid. **Invalid source specified.** Economic support and aid legitimized Museveni’s actions for years.

**Clientelism:** On May 16, 2016, President Museveni promoted five officers in the Uganda People’s Defence Forces. Key among them was his son, Brigadier Muhoozi Kainerugaba who was promoted to the rank of Major General. Kainerugaba is the commander of the elite unit - Special Forces Command that is in charge of protecting, VIPs and important installations around the country. “In Uganda, patronage resources are increasingly distributed along lines of ethnicity and region,” **Invalid source specified.**

**Freedoms:** The main opposition candidate, Kizza Besigye of the Forum for Democratic Change (FDC) party, and other party officials are regularly under house arrest during and after election periods. Freedoms are allowed to the extent and level to which the government deems fit. Civil society, opposition leaders and the press can be open; at times allowed to flirt with news on corruption and military impropriety to a certain degree after which detentions and harassment is common. **Invalid source specified.**

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**Tanzania**

“Tanzania is one State and is a sovereign United Republic,” **Invalid source specified.** ; “sovereignty resides in the people and it is from the people that the...”

**Source:** Constitution,

**Type:** Empirical/Internal

Socialist (Bjerk, 2010) / Democratizing

**Broadcast of Power:** Julius Nyerere’s policy of “ujamaa,” a type of socialism created and adapted for Tanzania means the country today has a more cohesive and nationalistic outlook than its EAC neighbors. Power is broadcast evenly and non-militarily using bureaucratic practices and “Villagization” (Bjerk, 2010, p. 304).

**Constitutionality:** The 1977 Constitution provides for a strong...
| Rwanda | The Rwandan State is an independent, sovereign, democratic, social and secular Republic;” Invalid source specified. | Source: Constitution, International norms | Electoral Authoritarianism/Limited Democracy 2 | Broadcast of Power: Built on the need to create “a strong, effective and centralized states” Invalid source specified. Rwanda has one of the most organized armies in Africa. The nation has managed to maintain control over its territory remarkably well, in addition to securing its borders in a region that is volatile. **Constitutionality:** Changes were made to the constitution which

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2 The term 'limited democracy' derived for purposes of the study and intended to mean limited and incrementally introduced democratic processes, rights and freedoms in situations in order to maintain a state’s integrity. It is a concept, which is apparent when differing opinions, interests and forces in a country threaten to challenge the states survival and peace to its people. See, Clark, John. 1991. Democratizing Development: The Role of Voluntary Organizations. London: Earthscan; “Electoral authoritarianism” is a concept used by Andreas Schedler to refer to regimes which employ democratic processes such as multiparty elections, allowing for an opposition but severely limit opposition, manipulate results and use constitutional processes to ensure that they remain in power for as long as possible. In this way, instruments of democracy become the means for autocratic rule rather than democracy. See, Schedler, Andreas. (2006). Electoral authoritarianism: the dynamics of unfree competition. Boulder, Colo.: Lynne Rienner Publishers, Inc.
people….National sovereignty belongs to Rwandans who shall exercise it directly by way of referendum or through their representatives…”

bring a state which was hitherto unmanageable and under constant threat of disintegration under control. The cost of this has been great. Supporters of the current regime argue that restricting certain freedoms – through laws against genocide – is the only way to maintain peace. Whatever the means of organizing domestic politics, the sovereignty which Rwanda enjoys is real – bolstered by its ability to defend its territorial integrity.

controversially enables the current president to run for a third presidential term in 2017.

Military Spending: There are high levels of military expenditure and control (Reyntjens, 2004). Available official figures show that Rwanda’s military spending has come down from an average of 3% of the GDP in 2002 to about 1.5 % of the GDP in 2013-2014. Analysts dispute these figures citing secrecy around the presidency and the amounts, which civil servants pay towards the army.

International Support: The international community requires and encourages the current regime, for the sake of peace and regional balance.

Clientelism: Citizens and business people are more likely to succeed and thrive if they are close to the center of power and do not question the regime (Reyntjens, 2004).

 Freedoms: Restrictions on freedom of speech, democratic processes and freedoms often described as “dictatorship and exclusion” (Reyntjens, 2004).
Appendix 2

Milestones of EAC Integration


30 April 1998: 9th Meeting of the Permanent Tripartite Commission in Arusha launches a draft Treaty for Establishment of the East African Community; approves programme for its wide publicity; EAC Memorandum of Understanding on Co-operation in Defence signed in Arusha; Tripartite Agreement on Road Transport signed in Arusha; and Inland Waterway Transport Agreement signed in Arusha.

30 November 1999: 4th Summit held in Arusha at which Treaty for the Establishment of the East African Community is signed.

7 July 2000: Treaty for the Establishment of the East African Community enters into force; new regional organisation, the East African Community, comes into being.

15 January 2001: 1st Summit of the East African Community is held in Arusha; signs Protocols on: Rules of Procedure for the Summit of Heads of State; Rules of Procedure for the Admission of other countries to the East African Community; and formally launches the East African Community at the Sheikh Amri Abeid Stadium in Arusha.

30 November 2001: 3rd Summit of EAC held in Arusha; EAC Heads of State inaugurate East African Legislative Assembly and East African Court of Justice.

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3 Source: http://www.eac.int/about/EAC-history
2 March 2004: EAC Summit signs Protocol for Establishment of the EAC Customs Union.

1 January 2005: EAC Customs Union becomes operational.


1 July 2007: Rwanda and Burundi become full members of the EAC.

5 June 2007: Second Assembly (EALA) sworn in.

22 October 2008: First EAC-COMESA-SADC Tripartite Summit held in Kampala, Uganda. Discusses single Free Trade Area and merger of the three regional blocs.

1 July 2009: Rwanda and Burundi join the EAC Customs Union. Official launch ceremonies held simultaneously in the two countries’ capitals on 6 July 2009.


1 January 2010: EAC’s fully-fledged Customs Union takes effect following the end of a five-year transitional period.

1 July 2010: EAC Common Market Protocol enters into force, following ratification by all the five EAC Partner States.

3 December 2010: EAC Summit of Heads of State adopts the EAC Anthem.

12 June 2011: Second COMESA-EAC-SADC Tripartite Summit held in Johannesburg, South Africa; agrees to start negotiations for a Grand Free Trade Area among the three blocs.

5 June 2012: Third Assembly (EALA) sworn in.

28 November 2012: Presidents of the EAC Partner States officially inaugurate the new EAC Headquarters in Arusha.

30 November 2013: Protocol for the Establishment of the EAC Monetary Union signed.
## Appendix 3

### Use and placement of the phrase “Political federation” in EAC Heads of State Speeches between 2009 – 2016

<table>
<thead>
<tr>
<th>Case #</th>
<th>Case</th>
<th>Sentence</th>
<th>Nb hits</th>
<th>Text (Verbatim)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Uhuru Kenyatta KENYA State-of-EAC-Address Speech to the EAC March 2014</td>
<td>61</td>
<td>2</td>
<td>To secure our economic, social and political cooperation, the Community is on course to cement our political unity through the establishment of an EAC POLITICAL FEDERATION.</td>
</tr>
<tr>
<td>1</td>
<td>Uhuru Kenyatta KENYA State-of-EAC-Address Speech to the EAC March 2014</td>
<td>64</td>
<td>2</td>
<td>Though East African FEDERATION is the ultimate goal of the Community integration, I must emphasize that POLITICAL FEDERATION is a process, not an event.</td>
</tr>
<tr>
<td>1</td>
<td>Uhuru Kenyatta KENYA State-of-EAC-Address Speech to the EAC March 2014</td>
<td>66</td>
<td>2</td>
<td>I know that a Committee of this Assembly has already expressed its views on the Revised Draft Model Structure, Road Map and Action Plan for East African POLITICAL FEDERATION that was developed by experts for consultations at the partner-states level.</td>
</tr>
<tr>
<td>2</td>
<td>Paul Kagame RWANDA State-of-EAC-Address Speech to EALA Feb 2009</td>
<td>260</td>
<td>2</td>
<td>The ultimate goal of our Community is the realisation of the POLITICAL FEDERATION of the East African States.</td>
</tr>
<tr>
<td>2</td>
<td>Paul Kagame RWANDA State-of-EAC-Address Speech to EALA Feb 2009</td>
<td>262</td>
<td>2</td>
<td>To this extent, I am pleased to note that the National Consultations on POLITICAL FEDERATION, having earlier been completed in Kenya, Uganda and Tanzania were extended to Rwanda and Burundi in 2008.</td>
</tr>
<tr>
<td>4</td>
<td>Pierre Nkurunziza BURUNDI State-of-EAC-Address Speech to EALA April 2011</td>
<td>368</td>
<td>2</td>
<td>My annual address of today comes at an important moment of the political evolution in our region. Here, I think particularly of the context of the busy electoral period, after general elections in Burundi, the constitutional referendum in Kenya, presidential elections in Rwanda, general elections in Tanzania last year, and elections in Uganda early this year. These democratic, peaceful, free and fair exercises are a cornerstone of the promotion of democracy and good governance in our respective countries, as well as a strong foundation for the East African Community integration process. This democracy is understood like a patriotic and participative manner of the public management, before, during and after elections. Moreover, these political developments taking place in Our Region constitute an important part of our objectives, to consolidate political cooperation in various facets, as a way towards</td>
</tr>
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</table>
our quest for a POLITICAL FEDERATION. We are proud of important achievements in sectors such as cooperation on questions in connection with defense, the coordination of the foreign policy, and other domains of peace, security and governance. Furthermore, the major preoccupation of our integration is to live, to move together towards political stability, supported by a climate of mutual trust and solidarity among our respective countries. We are one people, and we have a common destiny.

| 4 | Pierre Nkurunziza BURUNDI State-of-EAC-Address Speech to EALA April 2011 | 396 | 2 | In December last year, the Lake Victoria Basin Commission organized the first Lake Victoria Investment Conference in Mwanza, Tanzania. This conference was a huge success and attracted potential investors in our region. The East African Community should plan a similar investment conference for the Lake Tanganyika Basin. This Conference should also involve the Democratic Republic of Congo (DRC) and Zambia, which are also river countries of the Lake. We believe this can be another pole of development in the region, with high stakes impacting on COMESA- EAC SADC Tripartite Member States. In addition, in its commitment to move forward the agenda of the POLITICAL FEDERATION, the next Summit of the East African Community will examine a roadmap of the Council of Ministers on this important subject, as it is the political integration that will sustain and safeguard all the gains of integration. |
| 6 | Yoweri Museveni UGANDA State-of-the-EAC-Address Speech to EALA April 2013 | 503 | 2 | It also aims at POLITICAL integration through the formation of the East African FEDERATION. |
| 6 | Yoweri Museveni UGANDA State-of-the-EAC-Address Speech to EALA April 2013 | 509 | 2 | The case for the POLITICAL FEDERATION is on account of the following points: |
| 7 | Jakaya Kikwete TANZANIA State-of-the-EAC-Address Speech to EALA March 2015 | 617 | 2 | Honourable Speaker; As you may recall, in the Charter establishing the East African Community, it was agreed that the entry point in our integration process will be the Customs Union, followed by the Common Market, later the Monetary Union and ultimately the POLITICAL FEDERATION. |
| 8 | John Magufuli TANZANIA State-of-the-EAC-Address Speech to EALA March 2016 | 860 | 2 | When the Community was revived in 1999, we committed ourselves to integrate stage by stage basis beginning with a Customs Union through the Common Market, Monetary Union and ultimately a POLITICAL FEDERATION. |
| 11 | Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010 | 1248 | 2 | The Report of the Council of Ministers which we have just received outlines not only the landmark achievements in the Customs Union and the on-set of the Common Market, but also the new momentum gained in the Monetary Union and the POLITICAL FEDERATION processes. |
### Appendix 4: Tonality and Attitude of the EAC Heads of State towards integration

<table>
<thead>
<tr>
<th>Assessment of tonality and attitude to political integration</th>
<th>Source</th>
<th>Code</th>
<th>Text (Verbatim)</th>
</tr>
</thead>
<tbody>
<tr>
<td>President Uhuru Kenyatta here refers to the EAC II concept of political federation as something that would be unifying, signifying a preference for the federation as an ideal for unity, and not necessarily a supranational entity.</td>
<td>Uhuru Kenyatta KENYA State-of-EAC-Address Speech to the EAC March 2014</td>
<td>Sense of Community</td>
<td>To secure our economic, social and political cooperation, the Community is on course to cement our political unity through the establishment of an EAC POLITICAL FEDERATION. Already, we are seriously considering the suitability of various model structures against the political realities in our region.</td>
</tr>
<tr>
<td>President Uhuru Kenyatta's language regarding the political federation is cautious. Although he is for the idea and has reportedly pushed for its implementation, together with Uganda's Yoweri Museveni and Rwanda's Paul Kagame (Ligami, 2015); he is not oblivious the challenges with face it. Throughout this document, he refers to the political federation and integration in an almost philosophical manner.</td>
<td>Uhuru Kenyatta KENYA State-of-EAC-Address Speech to the EAC March 2014</td>
<td>Unitary Decision Making</td>
<td>Though East African Federation is the ultimate goal of the Community integration, I must emphasize that POLITICAL FEDERATION is a process, not an event. Our standing cooperation in our common life – in economic affairs; in good governance; in security; and in education, and many others – constitutes the foundation necessary for the federation we desire. I know that a Committee of this Assembly has already expressed its views on the Revised Draft Model Structure, Road Map and Action Plan for East African POLITICAL FEDERATION that was developed by experts for consultations at the partner-states level. After several past studies of the alternatives available to us, I am confident that the Summit, after thinking carefully about our responses to the plans proposed, will issue clear directions for the road ahead.</td>
</tr>
</tbody>
</table>
In his Speech, President Jakaya Kikwete avoids mentioning a Political Federation, as explicitly as mentioned by Presidents Uhuru Kenyatta and President Paul Kagame.

He also alludes to fears about other states, while referring to talk that would put down other member states and is more focused on the economic aspects of the EAC II as opposed to the political ones and security ones.

<p>| In his Speech, President Jakaya Kikwete avoids mentioning a Political Federation, as explicitly as mentioned by Presidents Uhuru Kenyatta and President Paul Kagame. He also alludes to fears about other states, while referring to talk that would put down other member states and is more focused on the economic aspects of the EAC II as opposed to the political ones and security ones. | Jakaya-Kikwete TANZANIA State-of-EAC-Address Speech to EALA May 2010 | Sense of Community Community collapsing in 1977 have to be extra vigilant. I must acknowledge that so far, we have done well in trying to avoid the mistakes of the past which brought down the previous Community. I call upon all East Africans political leaders, journalists, opinion leaders and commentators, to avoid taking actions or making utterances that would antagonise another Partner State or their leaders and people. Such are things which erode mutual trust and confidence, which are critical for a successful regional integration project. We should realise that it is words as much as deeds, that brought down the EAC in 1977. In fact, it is lack of mutual trust and confidence among the Partner States, that ensured because of that which precipitated the demise of the former East African Community. We must guard against repeating that mistake again. I know, there may arise differences among us but let’s find better ways of working them out. And, the best way is to sit down and talk about them. We should avoid making public statements against each other which will poison the goodwill and kill the existing spirit of brotherhood and cooperation. We must know that we cannot move forward this integration project in an atmosphere of bad faith and mistrust. Also, as partners in a joint endeavor we should not rejoice at, or partake in engineering the setbacks of our fellow members. And, we certainly do not have to be despondent at, or disownplay, the triumphs of our fellow members. If we let these things take hold, we will just move with our integration on paper, but we will have left behind the hearts and minds of our people and of our own. We will have failed as leaders because we will weaken the noble institution we are trying to build with dire consequences. We cannot afford to fail this time around. We should all say, Never and Never Again”. In concluding, I must thank my Brother, H.E President Mwai Kibaki for the usual warm reception and hospitality. We in the EAC wish him and the brotherly people of Kenya every best wishes and God speed in the forthcoming Constitution referendum. |</p>
<table>
<thead>
<tr>
<th>Sense of community, but also an opportunity to instill legitimacy in the domestic and especially democratic processes going on in each of the states.</th>
<th>Pierre Nkurunziza BURUNDI State-of-EAC-Address Speech to EALA April 2011</th>
<th>Security Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>My annual address of today comes at an important moment of the political evolution in our region. Here, I think particularly of the context of the busy electoral period, after general elections in Burundi, the constitutional referendum in Kenya, presidential elections in Rwanda, general elections in Tanzania last year, and elections in Uganda early this year. These democratic, peaceful, free and fair exercises are a cornerstone of the promotion of democracy and good governance in our respective countries, as well as a strong foundation for the East African Community integration process. This democracy is understood like a patriotic and participative manner of the public management, before, during and after elections.</td>
<td>Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010</td>
<td>Sense of Community</td>
</tr>
<tr>
<td>Interpreting this code against the most recent political crisis in Burundi, and Pierre Nkurunziza's desire to become the Chair of the EAC II Heads of state in 2016, it is clear this president places great importance on the EAC II. Leaders who join the EAC II derive a sense of brotherhood (as described in chapter 2) and also expect support from the EAC II.</td>
<td>On behalf of the people of Burundi and on my own behalf, I wish at the outset thank my colleagues, the EAC Heads of State, for being honored to be the Chair of the EAC Summit for the next one year. I accept this huge responsibility with humility, and in the belief a</td>
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</table>
This sense of community which Pierre Nkurunziza describes is nuanced by references to the legitimacies of the different EAC II state. Therefore, the EAC II can be a source of sovereignty and legitimacy for the EAC II heads of state.

Due to the standards and requirements of joining the EAC II - in which stability and a perception of democracy is required, leaders who join the EAC II are aware of a level of comradery and support.

Your Excellencies, Allow me also to thank President Kikwete, our outgoing Chair, for his brilliant and inspiring Statement. He has, with his usual eloquence, openness and visionary analysis, outlined where the EAC stands today, the challenges it faces and what it should strive to do and achieve in the next decade. He has offered much food for thought. As all of us are aware, Excellencies, the last six months have been unusually hectic, if at times too painstaking, as we all participated in consolidating our democratic values through free, fair and credible elections and referenda. We thank Almighty God for enabling us to come out of them safe and sound, with renewed support of our people to lead them to a much brighter future.

In this regard, I wish to renew my congratulations to HE President Paul Kagame, who is represented here by Prime Minister Bernard Makuza, for his massive electoral victory. The Rwandese people spoke with a clear and loud voice, showing that they have great confidence in President Kagame. At the same time, I wish to congratulate HE Mzee Mwai Kibaki for the successful Referendum which has ushered in a historic constitutional dispensation for the sister State of Kenya. As the EAC region, we stand tall and proud about our achievements in entrenching democracy, respect of human rights and good governance. These are the essential ingredients of our peace and stability, as well as the strategic drivers of our development. To President Museveni, we offer our warm felicitations and best wishes of success, as you prepare for the general elections in Uganda in February next year. Last but not least, allow me also to take this opportunity to record my deep appreciation and that of the people of Burundi for your prayers and good wishes you sent to me during the elections that took place in my country from May to September this year. As the saying goes, all is well that ends well. I am pleased to note that in all the elections in our region, the EAC was highly visible through its Observer Missions which were led by Members of our East African Legislative Assembly. We must sustain and improve on this democratic practice.
The people of the EAC II are invited to participate in the integration process, with:

1. National consultations
2. Publicity efforts
3. EALA initiatives to engage them

This is still a top-bottom style of management and a leader-led initiative, even when concepts such as people-centredness and involvement are utilised.

<table>
<thead>
<tr>
<th>Pierre Nkurunziza</th>
<th>Sense of Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>BURUNDI Speech at the 12th Summit of Heads of State December 2010</td>
<td>Another salient issue we must focus upon is to intensify publicity and marketing effort, to reach out to the people with clear messages about the EAC project, and the benefits that will accrue to the people. It is imperative that the EAC gives further focus on creating a mindset shift, such that the people of East Africa would think and act East African, and create deeper awareness and participation in the integration effort.</td>
</tr>
</tbody>
</table>

This statement, and the recent support offered to Burundi by the EAC II heads of state by way of mediation, and the inclusion of South Sudan in the EAC II when it is still experiencing considerable political turmoil signals that the EAC II is in some ways participating in state-building, state-reconstruction and is a source of state sovereignty.

<table>
<thead>
<tr>
<th>Pierre Nkurunziza</th>
<th>Sense of Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>BURUNDI Speech at the 12th Summit of Heads of State December 2010</td>
<td>Your Excellency President Kikwete, to say this aloud and clear: Arusha is and will remain for Burundi and its people a living symbol of our recent history, a story of a happy ending, forged with the appreciated support of Leaders and Peoples of our East African Region.</td>
</tr>
</tbody>
</table>
Appendix 5: References to Elections

<table>
<thead>
<tr>
<th>Case #</th>
<th>Case</th>
<th>Sentence</th>
<th>Number of Occurrences</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Pierre Nkurunziza BURUNDI State-of-EAC-Address Speech to EALA April 2011</td>
<td>83</td>
<td>1</td>
<td>My annual address of today comes at an important moment of the political evolution in our region. Here, I think particularly of the context of the busy electoral period, after general ELECTIONS in Burundi, the constitutional referendum in Kenya, presidential ELECTIONS in Rwanda, general ELECTIONS in Tanzania last year, and ELECTIONS in Uganda early this year. These democratic, peace</td>
</tr>
<tr>
<td>3</td>
<td>Jakaya-Kikwete TANZANIA State-of-EAC-Address Speech to EALA May 2010</td>
<td>57</td>
<td>1</td>
<td>Entrenching democracy, democratic values and culture in our region, are critical for ensuring smooth integration as well as peace and prosperity. I congratulate this House for its strong advocacy for democracy in our region. We have to make all efforts to build the administrative capacity and muster political will to conduct free, fair and peaceful ELECTIONS. I understand that, over the years, the EALA has participated in election observation in the Partner States and contributed to the quest for strengthening democracy in our region. I also understand that the EAC Council of Ministers will examine an Electoral Observation Manual for EAC. This is a good development which I fully support. I am of the view, however, that the time has come for the East African Community to consider developing common principles and guidelines governing democratic ELECTIONS in our region and ensures their observance. Critical Issues, Challenges and the way forward</td>
</tr>
<tr>
<td>3</td>
<td>Jakaya-Kikwete TANZANIA State-of-EAC-Address Speech to EALA May 2010</td>
<td>52</td>
<td>1</td>
<td>This year is a very important one for politics and democracy in our region. Within the coming 10 months, Burundi, Rwanda, Tanzania and Uganda will be holding ELECTIONS. Kenya will be involved in a constitutional referendum and so will Tanzania, Zanzibar. This is both an exciting and challenging time for our region. Exciting because we have an opportunity to demonstrate to the entire world and to our own people, that democracy reigns and democratic values are taking root in our Community. It is challenging because we have to ensure that the ELECTIONS and referendums are conducted in a manner that they will be free, fair and peaceful. Experience has shown that many countries in Africa have degenerated into political crises and violence after ELECTIONS. Partly this is precipitated by flaws in management of</td>
</tr>
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</table>
ful, free and fair exercises are a cornerstone of the promotion of democracy and good governance in our respective countries, as we ll as a strong foundation for the East African Community integrati on process. This democracy is understood like a patriotic and part icipative manner of the public management, before, during and afte r ELECTIONS. Moreover, these political developments taking place in Our Region constitute an important part of our objectives, to c onsolidate political cooperation in various facets, as a way towards our quest for a Political Federation. We are proud of important ac hievements in sectors such as co-operation on questions in connection with defense, the coordination of the foreign policy, and other domains of peace, security and g overnance. Furthermore, the major preoccupation of our integration is to live, to move together towards political stability, supported b y a climate of mutual trust and solidarity among our respective co untries. We are one people, and we have a common destiny.

<p>| 7 | Jakaya Kiwete TANZANIA State-of-the-EAC Address Speech to EALA March 2015 | 245 | 1 | This year we will be having ELECTIONS in Burundi, and a Referendum on proposed Constitution and General ELECTIONS in Tanzania. |
| 7 | Jakaya Kiwete TANZANIA State-of-the-EAC Address Speech to EALA March 2015 | 247 | 1 | Let the ELECTIONS be credible, free and fair which abide and respect the constitutions and the relevant laws of these countries. |
| 8 | John Maghafuli TANZANIA State-of-the-EAC-Address Speech to EALA March 2016 | 544 | 1 | Since last year, this year and next year, East African Partner States had and will be holding ELECTIONS. |
| 8 | John Maghafuli TANZANIA State-of-the-EAC-Address Speech to EALA March 2016 | 545 | 1 | Let the ELECTIONS in our Region be credible, free and fair which abide and respect the Constitutions and the relevant laws of the Partner States. |
| 9 | Yoweri Museveni UGANDA Speech-to-the-EAC-II Heads of State, April 2013 | 611 | 1 | I also salute the people of Kenya for the successful and peaceful ELECTIONS. |
| 11 | Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010 | 698 | 1 | As all of us are aware, Excellencies, the last six months have been unusually hectic, if at times too painstaking, as we all participated in consolidating our democratic values through free, fair and credible ELECTIONS and referenda. |
| 11 | Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010 | 705 | 1 | To President Museveni, we offer our warm felicitations and best wishes of success, as you prepare for the general ELECTIONS in Uganda in February next year. |</p>
<table>
<thead>
<tr>
<th></th>
<th>Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010</th>
<th>706</th>
<th>1</th>
<th>Last but not least, allow me also to take this opportunity to record my deep appreciation and that of the people of Burundi for your prayers and good wishes you sent to me during the ELECTIONS that took place in my country from May to September this year.</th>
</tr>
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<tbody>
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<td></td>
<td>Pierre Nkurunziza BURUNDI Speech at the 12th Summit of Heads of State December 2010</td>
<td>708</td>
<td>1</td>
<td>I am pleased to note that in all the ELECTIONS in our region, the EAC was highly visible through its Observer Missions which were led by Members of our East African Legislative Assembly.</td>
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