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Human Rights in the Context of Deepening Integration of East African Community (EAC)

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Abstract

This study contributes to the discourse on the process of political integration by studying East African Community (EAC)'s integration efforts in the light of Human Rights Based Approach (HBRA).

Data used has been assembled from various sources such as media reports, EAC documents and country statistical reports from various institutions such as bureaus of statistics, UNDP, UNAIDS, World Bank, Freedom House and Transparency International. This study has been on-going from 2008 to 2012.

The study found that various structures have been created to aid the deepening integration efforts in East Africa. With the exception of human rights, the EAC treaty stipulates eleven areas of collaboration. It was also found that Tanzania scores better than other countries on political and civil liberties, while Human Welfare Indicators were a challenge in the entire EAC. The Gini index scores were high and worsening in some countries over time, indicating the presence of distributive injustices. Other areas of concern comprised media control, gender based challenges, harassment of opposition and poor protection of minorities and vulnerable populations. Four countries of the region are part of the Africa Peer Review Mechanism (APRM) process. The APRM as a process is meant to promote good governance and presents an opportunity for bettering human rights in the region.

The study ends by recommending the mainstreaming of Human Rights Based Approach (HBRA) through the formation of East African Human Rights Commission (EAHRC) within EAC structures.

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Introduction

In 1999, the treaty for establishment of East African Community (EAC) was ratified by three heads of states from Uganda, Kenya and Tanzania. The main aim of the treaty was to develop policies and programmes aimed at widening and deepening collaboration in eleven areas: political, economic, social and cultural fields, research and technology, defence, security, legal and judicial affairs. Partner countries would hence establish a customs union, a common market, subsequently a monetary union and ultimately a political union. This treaty was further amended in 2006 and later in 2007. The forgotten area in the treaty was the issue of human rights as it was relegated to member states through article 3(b) that mandated each individual country to adhere to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice.

Fundamental principles of the community captured in Art 6(d) committed each country to promote good governance, democracy, rule of law, accountability, transparency, social justice, equal opportunities, gender equality, promotion and protection of human rights in accordance with the provisions of the African Charter on Human Rights and People's Rights. The operational principles of the community were captured in Article 7 comprising strengthening of economic ties, infrastructural development and the regional integration process. The human rights question did not feature in both fundamental and operational principles of EAC in the treaty.

Article 9 of the treaty established organs and institutions of the community as follows; the Summit, which consists of the heads of the states of EAC countries; the Council, which is a body of Ministers mandated by their countries to be responsible for EAC affairs alongside the Attorney Generals of member countries; the Coordination Committee made of Permanent Secretaries mandated with the responsibility of EAC affairs; and Sectoral Committees which monitor and review the implementation of programmes of the community.

In the subsequent articles, the treaty establishes the East African Court of Justice (EACJ), East African Legislative Assembly (EALA) and

the EAC Secretariat. It goes further to make provisions on the East African Trading Regime, Monetary and Financial Cooperation, Infrastructure, Science and Technology, Movement of Peoples, Food Security, Environmental Management, Tourism and Wildlife, Cultural Activities, Social Welfare, Women Promotion, Political Cooperation, Legal and Judicial Affairs amongst others but is silent on the issue of human rights.

The treaty also establishes eleven areas of cooperation among the East African countries without making any reference to human rights. Hence, this leaves the human rights question as a concern to be addressed by individual member countries. Relegating human rights to member countries condemns the entire EAC to silence in the face of severe human rights violations committed by fellow member countries. Above all, EAC has no specific body to deal with human rights violations. This paper makes a case for such an institution.

The purpose of this paper is to examine human rights challenges and their possible impacts on the deepening integration of the Eastern African Community (EAC). The next section introduces the EAC challenges to human rights and democratic governance. The second explores how APRM, the African human rights and good governance enforcement mechanism has been received in the EAC countries. Section three looks at the experiences of the five EAC countries in enforcing human rights, taking into account various influences and relationships. Section four concludes by assessing whether integration offers the best solution to the enforcement of human rights, improved governance and increased democratic space in EAC.

East African Human Rights Overview

Amnesty International Reports have always criticized the EAC countries human rights situation. These countries usually perform poorly in all thematic areas: deprivation, insecurity, exclusion, voice and accountability. The countries have challenges in protecting people at risk and helping them to find redress for abuses suffered (Amnesty International, 2009). In Uganda, for example, victims of human rights abuses of the armed conflict in the north of the country remained destitute and traumatized. Human rights abuses occur because governments fail to address impunity, thus, posing the danger of

encouraging their re-occurrence. Occasionally, after large-scale human rights violations, commissions of inquiry or other types of investigative panels are set up for purposes of appeasing public opinion than to establish truth and to identify and prosecute culprits (UNHCR, 2007).

At different times the EAC governments introduced restrictive laws against the media (Journalists and Defenders 2006; BBC, 2009; Ladu, 2010). In some cases media houses are raided and journalists brutalized. Despite the heavy handedness, efforts to control information have always been countered by civil societies, often working in partnership with each other, and stronger independent media (BBC, 2009a).

Governance, Democracy and Human Rights

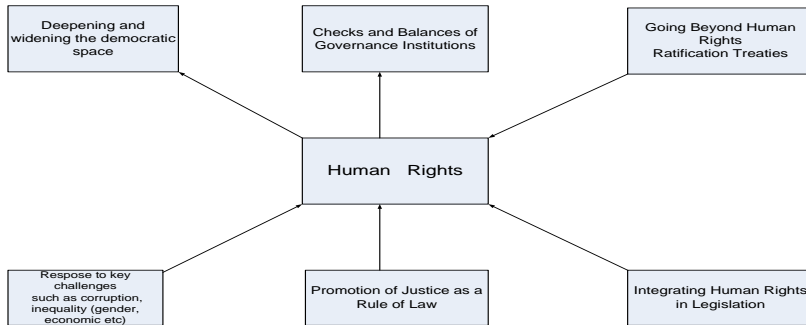
Governance refers to mechanisms, institutions and processes in which authority is exercised in the conduct of public affairs. The concept of good governance emerged in 1980s to address failures in development policies which disregarded respect for human rights (UNHCR, 2007). Human rights are defined as the supreme, inherent and inalienable rights to life, to dignity, and to self-development (Lundberg, 2002). The rights center on respecting the agency of individual persons. Human rights require enabling environments and need to be reflected in state regulations. They set performance standards against which governments and other actors can be held accountable.

Although human rights empower people, they cannot be respected and protected in a sustainable manner without good governance. Good governance policies are there to empower persons to live with dignity and freedom. In addition to relevant laws, relevant institutions need to respond to the rights and needs of populations. The concepts of good governance and human rights are mutually reinforcing, as both embrace the principles of participation, accountability, transparency and state responsibility (UNHCHR, 2006).

Human rights also strengthen good governance through protecting persons from arbitrary actions of the state (Brizenski, 1995). This is a primary reason as to why states need to ratify human rights treaties by integrating them in their regulations; entrenching justice in their rule of law and enforcing democracy by responding to people's needs. This demands promotion of checks and balances between formal

and informal institutions; effecting necessary changes on gender equality and cultural diversity; generating political will, enhancing public participation and awareness; and responding to key challenges that are likely to exacerbate human rights (Lundberg, 2002).

Figure 1: Human Rights Based Governance System



Adapted from Lundberg (2002)

Human rights co-move with economic prosperity. Certain rights maybe realized progressively overtime due to legitimate resource constraints. Since resources are needed to realize such rights, their realization depends on softening the resource constraints, by working for economic growth and development (UN, 2009). A faster growth eases the pain of living without these rights as it enhances regional development, increases available resources which spur access to the sectors of education, information sharing, positive human relations, maximizes training of human resource and establishes rights based institutions. These developments need to be followed by sensitization of populations on human rights through various channels. Economic growth should always be seen as a means and not the end of development, its attainment is important for the realization of human rights. Human rights are therefore the end of any development process. Seeking for economic growth therefore, should not be used as a reason not to work in tandem with human rights principles (Ul-Haq, 2000).

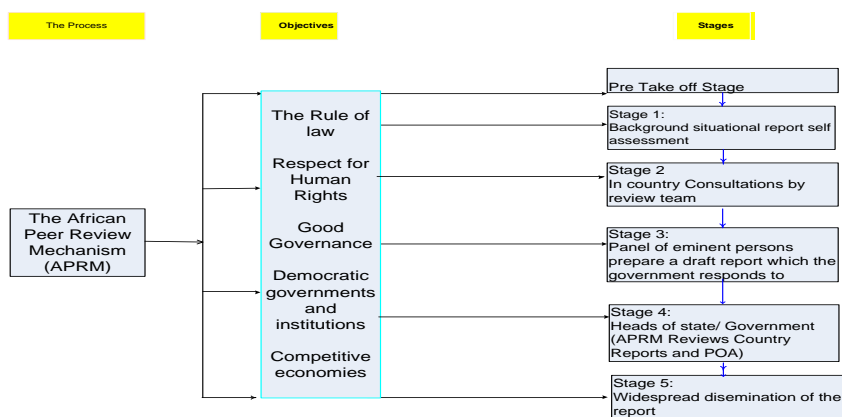
Human rights on the one hand strengthen democracy. Democracy institutionalizes respect and freedom of individuals. In essence, enforcement of democracy directly contributes to peace. There

are certain extreme conditions however that may lead to the denial of freedoms. Though this denial of national freedoms is justified by the overriding interest in stability (Mafeje, 2002), it should be reversed as soon as stability returns. Countries are therefore not justified to use the approach of perpetually denying these freedoms to their citizens as a control mechanism.

Enforcing Democracy and Human Rights in Africa through APRM

The Africa Peer Review Mechanism (APRM) was established by the African Union (AU) to encourage institutionalization of human rights, and good governance in the continent through strengthening democracy and rule of law in Africa. Accordingly, the APRM encourages high levels of civic participation amongst member countries through the introduction of constructive self-criticism and peer reviews (NEPAD, 2011).

Figure 2: Figure 2: Summary of the APRM Review Process



The APRM's main weakness is its lack of an enforcement mechanism. Leaving individual leaders to implement its reviews has previously led to little progress on account of abysmal commitment and not because of dearth of resources. The lack of common rules seems to

have left several loose ends, allowing countries under review to muddle through the process despite having many grey areas that border on violations of human rights. The capacity to implement the reviews is a challenge in several countries leading to the fear that the APRM reviews might not achieve intended objectives fully because of limited technical capacity (Chikwanha, 2007). Additional challenges for the APRM include the fact that there are no clear guidelines for reviewing countries experiencing civil wars, where there are inter-religious conflicts and situations of gross human rights violations (Citizen, 2011).

Despite the foregoing weaknesses of the APRM, it is encouraged as a strategy to improve the rule of law as it envisages institutional changes generated internally at country levels and strengthened through peer cooperation at continental levels. The entire process is considered to be central to changing the rather unproductive institutional cultures in some African countries.

Since its inception, APRM process enlisted the support of 30 countries between 2003 and 2011 signaling wide acceptance in the region. The process was slow as majority member countries took long to complete it. Between 2006 to 2011, only fourteen countries successfully underwent the APRM- among them: Ghana, Rwanda, Kenya, South Africa, Algeria, Benin, Uganda, Nigeria, Burkina Faso, Mali, Mozambique, Lesotho, Mauritius and Ethiopia. Sixteen others were in the process. All remaining countries had problems with the process because of technical problems in gathering relevant information and reliable statistics for the review (Nepad, 2011). Countries that completed the process, faced the challenge of widespread inertia in dissemination of the reports (Citizen, 2011). In East Africa, Burundi was not part of the APRM by 2011 while Tanzania was still grappling to finish the review process. By 2011, Rwanda, Uganda and Kenya had finished the review process successfully. Kenya began a second comprehensive APRM review in July 2011.

The dissemination of APRM review reports in Rwanda, Uganda and Kenya has not been very efficient. This is attributed to the fact that dialogue and democracy are still nascent and slowly being integrated into the various countries' political cultures. Tanzania's commitment to the process seems lukewarm (Citizen 2011). Burundi is not part of the APRM and is not listed as a member of New Partnership for African Development (NEPAD)'s 30 countries.

It is hoped that the APRM recommendations could assist the African Countries to improve their rule of law, respect for human rights, good governance, democracy and ultimately achieve better economic growth (UN, 2009). EAC should encourage countries that are slow-moving in the review process like Tanzania to finish the process. Burundi on the other hand should be encouraged to join both NEPAD and the APRM process.

Human Rights in the Light of Deepening Integration Efforts in EAC

EAC member countries (Tanzania, Kenya, Uganda, Rwanda and Burundi) were considering to form a political federation to be known as East African Federation (EAF) by the year 2013 (Kasaija, 2006). Several structures have been put in place to prepare for it. These structures include a customs union whose protocol was signed in 2004; common market protocol signed on 20th November 2009; establishment of the East African Court of Justice (EACJ), the East Africa Legislative Assembly (EALA), East Africa Business Council (EABC) among other structures. An important move towards this integration has been the introduction of the East African Passport meant to facilitate movements of citizens within the EAC (EAC, 2006). It is also expected that the EAC will introduce a single currency by 2015.

There are looming concerns on whether the initial conditions for deepening integration are favorable. Depending on the way the five countries prepare for the federation, it could either be a success or a recipe for disaster. The realism theory of international relations states that countries will tend to disintegrate rather than come together (Donnelly, 2000). Disintegration of states can be seen in Eastern Europe and also in Africa; one recent case being Ethiopia and Eritrea in 1995 and North Sudan and South Sudan in 2011. Ethiopia maintains a federal type of governance which has been emulated in Kenya.

An example of a federation within East Africa involves the merger of former two countries of Zanzibar and Tanganyika that created Tanzania in 1964. This federation had surmountable challenges with

Zanzibari secessionists demanding for an independent sovereignty and identity. At times these demands became violent. This problem was solved in July 2010 when a majority of Zanzibaris opted to enshrine power-sharing in a referendum (Msoba, 2010). Hence it will be important for EAC to learn from Tanzania and other important examples of political federations that embrace human rights.

Descriptive Statistics

The data used in this analysis has been assembled from various sources such as EAC website and its member country statistics depositories, World Bank, UNDP, UNAIDS, World Fact Book, Freedom House and Transparency International. The data assesses human welfare, interreligious harmony, economic challenges, human rights situation and assesses tensions intra and extra EAC member countries.

Table 1: Human Welfare Indicators

	Life expectancy 2010	Infant Mortality Rate (per 1000) 2010	HIV/AIDS Prevalence UNAIDS 2007	Adult Literacy rate 2010	Total ethnic groupings	Official languages
Tanzania	56.9	104	5.8-6.6	73.2%	130	S, E, A
Kenya	55.6	128	7.1-8.5	73.6%	42	S, E
Uganda	54.1	135	5.0-6.1	66.4%	48	E, S'
Rwanda	51.1	112	2.4-3.2	64.9%	3	F, R, E', S'
Burundi	51.4	168	1.1-1.4	59.3%	5	F, B, E', S'
Tot/avg	53.8	130	4.3-5.2	65.8%	225	S,E,F,U,R, B, A

Source: UNDP Country Statistics and UNAIDS Data. The official languages of EAC are S-Swahili, U-Buganda, R-Kinyarwanda, B-Kirundi, E-English, A-Arabic and F-French. The apostrophe (') symbolizes that the particular language is seldom spoken or is not well spread to the entire country.

Life expectancy in EAC region is estimated at 53.8 on average. It is longer in Tanzania (56.9) and in Kenya (55.6) and shorter in Rwanda at 51.1. The average EAC infant mortality per 1000 children is 130; Rwanda and Tanzania have the lowest infant mortality rates (112 and 104), Burundi on the other hand has the highest mortality rate (168).

HIV/AIDS is a scourge that devastates most of the East African communities with Kenya reporting the highest prevalence rates (7.1 to 8.5) and Burundi reporting the lowest rates (1.1-1.4). The average adult literacy rate for the region is 65.8%. Kenya (73.6%) and Uganda (66.4%) lead the region in literacy. The region has a total of 225 ethnic communities the leading being Tanzania with 130 and followed by Uganda with 48, the lowest number of ethnic groups are in Rwanda (3).

Human development in EAC needs to be improved. The region's social welfare indicates that the basic components of development; literacy, health and access to basic services are at their lowest levels of achievement. According to Lundberg (2002), this poor achievement is caused by poor basic services, corruption, irresponsibility, lack of accountability, transparency and poor resource allocation. Poor legal systems also disable the entrenchment of proper coordination of human rights in state institutions. The EAC countries are faced with varying degrees of erosion in the quality of life and governance institutions. In order to achieve mileage and benefit their populations, member countries should better their human welfare indicators.

Table 2: Distribution of EAC Religious Affiliations

	Catholic %	Protestant %	Indigenous %	Muslim %	Others %	Main Religions
Tanzania		30		35	35	C,P,I,M
Kenya	33	45	10	10	2	C,P,I,M
Uganda	41	42	3.1	12	0.9	C,P,I,M,O
Rwanda	56	26	0.1	4.6	1.7	C,P,I,M,O
Burundi	62	5	1.6	10	0.0	C,P,I,M,O
Total	38.4	24.4	3.0	14.3	7.9	C,P,I,M,O

Source: World Fact Book. The religions found in the EAC are C-Catholic, P-Protestant, I-Indigenous, M-Muslim and O-Others (Hindu, etc).

Most people of the EAC are affiliated to the Catholic religion (38.4%) followed by protestants who form about 24.4% of the distribution. The Muslims are 14.3%. Burundi and Rwanda lead the region with the population of Catholics at 62% and 56% respectively. Kenya and Uganda have the highest proportion of Protestants at 45% and 42%. Lastly Tanzania and Uganda lead the region with the highest proportion of Muslims at 35% and 12% respectively. The positive thing in most of the East African Community countries apart from Kenya is that serious religious tensions are few.

Kenya experiences religious tensions time and again (East African Standard, 2003). The constitutional debate in Kenya in 2002 and 2010 put Muslims and other religions at loggerheads as the Muslims were seeking to have the Kadhi courts entrenched in the proposed draft of the constitution. A new Kenyan constitution was later endorsed by a majority of the citizens in the August 2010 referendum which fully endorsed provisions on the Muslims Judicial System in a country considered to have a population that is largely Christian.

In 1980s a sect known as Holy Spirit Movement emerged in Uganda and started guerilla warfare against the government. This movement later mutated itself into the present deadlier Lord's Resistant Army (LRA) which is associated with gross human rights abuses. In the late 1990's some religious sects arose in Uganda (Holy Spirit Sect) which led to the decimation of many of its followers through mass suicides. In Kenya the Mungiki, a religious sect which arose in 1990s has also been held responsible for several human rights abuses (East African Standard, 2002). In Rwanda and Burundi the mainstream religious leaders were divided along political lines and were incapable of preventing human rights violations during the time of intense political tension of 1990s which led to a loss of about a million people. It is also reported that as a result of superstitious beliefs in Tanzania and Uganda there are cases of ritual murders of children and albino to harvest body parts which are then used for purposes of achieving economic success (BBC, 2008; BBC 2003; BBC 2010; Ochanda, Akinyi, & Mungai, 2009).

Despite the above mentioned challenges, religion could play a key role in the promotion of human rights and widening the democratic space. Different religions need to coexist peacefully with each other, and then advocate against human rights abuses and injustices by the state, other groups (religious or civil society) or institutions. They should always collaborate early enough to prevent situations that could breed severe human rights violations. They also need to develop measures to check that upcoming religions, sects or cults do not cause abuse of human rights or mutate into guerrilla movements.

Table 3: Economic Indicators of the EAC countries

	Population 2009	GDP Per Capita 2008 USD ppp	Pop. Under Poverty line 2008	Under USD 1 poverty 2008	Under USD 2 poverty 2008	Unemployment Rate 2008	HDI 2007/2008 and 2008/2009
Tanzania	41,048,532	1,300	36%	88.5%	93.4%	NA	0.467- 0.530
Kenya	39,002,772	1,600	50%	19.7%	39.9%	40%	0.521- 0.541
Uganda	32,369,558	1,100	35%	51.5%	75.6%	NA	0.505- 0.514
Rwanda	10,473,282	900	60%	76.6%	90.3%	NA	0.452- 0.460
Burundi	8,988,091	400	68%	81.3%	93.4%	NA	0.413- 0.394
Total	131,882,235	1060	49.80%	63.5%	78.5%	NA	0.472- 0.488

Sources: EAC website, and Human Development Report 2008

The East African region covers an area of 1.8 million square kilometers with a combined population of about 131 million. The region had little minerals up to the year 2006. From then on different discoveries were made of significant deposits of oil and natural gas in Uganda, Tanzania and Kenya. These new resources if harnessed well could contribute to the enhancement of the quality of life in the region and thereby improve human rights situation. In contrast, without proper checks and balances, the new discoveries could lead to violation of human rights as witnessed in other African Countries such as Sudan, Nigeria, Chad, Democratic Republic of Congo and Angola.

The average GDP per capita of the region is 1060 USD as at 2008 purchasing power parity. Kenya and Tanzania are the biggest contributors to the region's GDP. 49.8% of the population is considered to be below the national poverty lines, meaning that they live between 0 income to USD1 income. Life is extremely difficult for this section of the population. They live in sub-human conditions with little access to food, clean water, education and other basic necessities of life.

Great proportion of the population on the other hand is unemployed and has no access to gainful income earning opportunities. The one dollar poverty line is estimated at 63.5% while the under 2 USD poverty line is estimated at 78.5%. The unemployment rate for Kenya is estimated at 40%. Other countries' data is not available meaning that they either have a higher or lower unemployment rate than Kenya. The Human Development Index of 2008/2009 for the region is estimated at 0.472 which is much higher than the Sub Saharan Average at 0.389. All countries had a significant improvement on their HDI between 2007 to 2008 apart from Burundi.

Table 4: Human Rights and Democratic Challenges

	<i>Political rights</i>	<i>Civil liberties</i>	<i>Gini index (inter year comparison)</i>
Tanzania	3	3	1993-38.2; 2000-34.4
Kenya	4	3	1997-44.9;2008-42.5
Uganda	5	4	1996-38.4; 2002-45.7
Burundi	5	5	1998-42.4
Rwanda	6	5	1985-28.9; 2000-46.8

1= good standing, 7 very poor. Source: Freedom House Data 2011 and Transparency International.

Tanzania is the best performer as far as political rights, civil liberties and Gini index are concerned. It however faces a few challenges of human rights in the areas of media, protection of vulnerable people such as the albino who are targeted by criminals for body parts harvesting, female genital mutilation (FGM) and other forms of violence against women and girls. There have also been instances of mishandling the opposition in the country.

Kenya performs best after Tanzania with a 4 in political rights and 3 in civil liberties. Though its Gini index is improving, it still shows a wide disparity between income levels. The country suffers from distributive and historical injustice which is considered to have been one of the causes of the political violence experienced early 2008. It has also experienced major cases of corruption which remain unresolved to-date. Other challenges include reduced freedom of the media, electioneering violence, vote rigging, negative ethnicity, secessionist movements, militia gangs, proliferation of small arms in the country and a few assassinations whose investigations remain at large (BBC, 2009). The government has also been accused of using undue force against militia gangs and secessionists (Independent Medico Legal Unit-IMLU, 2008). Lastly the government has not fully addressed the plight of the 650,000 victims of 2008 Post Electoral Violence (PEV) now living in various camps within the country as Internally Displaced Persons (IDPs).

Uganda is the third best performer scoring 5 in political rights and 4 in civil liberties. The Gini index in Uganda did deteriorate significantly between 1996 and 2002 indicating income disparities. In the past Uganda had challenges with rebel movements accused of gross human rights violations against women and children. The activities of the rebels led to the displacement of about 1 million people. Other human rights challenges in Uganda include harassment of the opposition politicians, corruption and media freedom restriction. In 2009 a legislation outlawing same sex relationships making it punishable by death in Uganda was stopped through high level international campaigns. Uganda on the other hand still keeps the death penalty but there have been no recorded executions in the civil courts. However, this is not clear for Marshall Courts because their proceedings are not open to general public.

Burundi is the second worst performer scoring 5 in both political freedoms and civil liberties. It has had a long war which has seen many people decimated and displaced. There are reported cases of attempts to silence political opposition through constant harassment and torture. The executive is also accused of manipulating the judiciary. High incidences of rape and other sexual violence against women and girls have been reported. In 2008, MSF reported about 131 rape cases a month citing cases in which school teachers too were found to have perpetrated sexual violence against young girls. So far, the country lacks the 2000 Gini score, making it hard to evaluate its performance in distributive justice. However, a poor score in political rights and civil liberties is an indicator of distributive problems.

Rwanda is the worst performer scoring 6 on political rights and 5 on civil liberties. It is marred by the ghost of the 1994 genocide that saw approximately million people die in internal civil strife. Many people were displaced from the country as a result and the rule of law became a great challenge during this time. The war resulted from a failed dialogue mechanism as a result of historical distributive injustices. In 2008, Rwanda's constitution was amended giving all former Presidents immunity from prosecution for life for all the wrongs committed while in power and reducing judges' tenure of office from life to four years hence compromising the independence of the judiciary. Legislative electioneering irregularities were also observed in 2008 and also during the presidential elections in 2010. Other challenges include obstruction of humanitarian work and illegal control of the media, sanctioning the jurisdiction of the International Criminal Court and denying minority groups their rights. The country is also accused for incursion in to DRC in 2008.

Table 5: Presence of Political Tensions within or between EAC member countries

	Kenya	Tanzania	Uganda	Burundi	Rwanda
Kenya	1	0	1	0	0
Tanzania	0	1	1	0	0
Uganda	1	1	1	0	1
Burundi	0	0	0	1	0
Rwanda	0	0	1	0	1
Other	1	0	1	0	1
Conflict prevalence	3	2	5	1	3

1=presence of conflict, 0=no conflict. These scores are subjective based on country analysis of history of tensions with other EAC members or its other neighbors.

In the analysis of the conflicts above, there is some tension between Kenya and Uganda over Migingo Island which is located in Lake Victoria. Uganda on one hand argues that the water surrounding the Lake belongs to her while the island belongs to Kenya. Kenya on the other hand claims that the water and the island is hers. This problem led to strained diplomatic relations between the two EAC member countries (East African, 2009). This scenario has tested the efficacy of the jurisdiction of the East African Court of Justice (EACJ) to solve the EAC inter-country disputes, as the two countries have resorted to international arbitration.

Tanzania in the past has had a war with Uganda. The Tanzanians were later joined by NRM/A. They fought and captured Kampala and ejected President Idi Amin out of power. Idi Amin had then been accused of gross human rights violation and disrespect of territorial integrity of neighboring countries around Uganda.

Uganda has had tensions with nearly all East African and other countries both at the time of Idi Amin and presently. The tensions with Kenya and Tanzania are mentioned above. It has in the past deployed troops to Rwanda. It has also had problems with other countries such as DRC and Sudan. On a positive note it has played a great role in shaping the East African Community.

Burundi seems to have only internal conflicts and has no political tensions with its neighbors. However tensions against it are due to production of refugees in the region. Rwanda on the other hand has had conflicts with Uganda as explained above. It also has had military operations in DRC.

Conclusion

In conclusion, an important reflection arises on what the role of EAC deepening integration will be in promoting: Human Rights, Widening and deepening Democracy; Good governance and Rule of law. So far as the EAC moves closer to forming a political union or a federation, our analysis above shows that there are many grey areas that each country brings with it to this deepening integration. This makes the enforcement of common benchmarks difficult because it seems that member countries are not keen to improve on the grey areas. If urgent

measures are not taken, the areas of concern could weaken the established EAC institutions such as EALA, EACJ etc.

EAC and other African regional bodies need to be concerned about the lack of stringent human rights standards in their structures. Despite lacking resources there is need that they strive to enforce compliance among their members. This will forestall the problem of double standards of preaching principles of adherence to human rights in certain quarters while it is violated in others. On the other hand trivialization of human rights should be treated with concern. Active participation of individual countries in the APRM process should be encouraged as it not only opens the country to much collaboration but it also gradually helps in strengthening the human rights situation.

Presently, there are many complexities concerning how the human rights agenda is enforced in each country. These complexities pose great challenges to the region, creating a situation which could easily dampen the spirit of unification. If this situation is not addressed as early as now the EAC political union could become an aggregation of the complexities and weaknesses from each country thereby contributing to severe deterioration of human rights situation in the region.

An important recommendation becomes that the EAC political leaders should embrace the courage to incorporate the Human Rights Based Approach (HBRA) in their work to deepen the integration agenda. Currently, it seems that the integration process is grounded on economic motivations. This poses a danger of *beg thy neighbor*, worsening the situation of weaker states. This was also identified as a problem that led to the EAC fiasco of pre-1977. A repeat of this situation will lead to declines of living standards among some the EAC member states at the expense of other partners. Such a scenario could contribute to weakening of the human rights situation in the long run.

A second question arises on how human rights abuses arising from the process of deepening integration will be investigated and addressed at the East African Federation (EAF) level. From the institutional point of view there are some structures existing in each country with the mandate to enhance the quality of the human rights, rule of law and democratic governance. Unfortunately, some member countries seem not to have established the above institutions. In the countries which they are in place, they lack autonomy. In other countries

the human rights abuses are too sensitive to be investigated by the local Human Rights Commissions.

Tension between Kenya and Uganda over the disputed Island of Migingo has challenged the jurisdiction of the EACJ. This calls for a need for political will amongst the leaders to respect and strengthen the structures and institutions of EAC, if the community will be seen as credible. When the human rights of the region's citizens override inconsiderate economic interests and other ill-advised motivations then the present tensions will be reduced.

The Human Rights Based Approach (HRBA) will induce reforms in the overall; deepening the integration process by not only focusing on economic growth but also on other important indicators of human welfare. Good governance should be characterized by both its aptitude and its tendency (Lundberg, 2002). Hence, the integration process should have a positive influence on the aptitudes or capabilities of member countries while at the same time introduce incentives to good behavior. A good governance system should reward positive gains made out of advancing the human rights agenda and thereby help governments to change their attitudes towards their constituents.

A need arises to adopt Human Rights Based Approach (HRBA) as a system that permeates the institutional framework in order to strengthen governance and democratic processes in all EAC countries. Awareness of the HRBA (moral and ethical) should be promoted through the media, civil society and structures of faith based organizations. Human rights should infiltrate the social, cultural, political and economic spheres. Education programmes should be implemented to enhance the understanding of HRBA mechanism within the community.

No matter the challenges faced by each EAC country, the respect for human rights paves way for rational and objective governance which would eventually facilitate the deepening integration process. HRBA would also reduce social dilemmas which are considered to be the main reason for democratic challenges. In this case, moving the EAC agenda forward as only a partnership of the governments and market forces (business class) is a big mistake. Strong involvement of the civil society should also be elicited. The Civil Society's participation is crucial in making the entire EAC structure people based and responsive to human rights.

In order to address human rights effectively at an EAC regional level it would be important to establish a Human Rights Commission at the EAC level as an important addition to the existing structures. This structure would be an independent institution that has the mandate to investigate and take appropriate actions against severe cases of human rights violation among EAC member countries. The East African Human Rights Commission (EAHRC) will help as a first stage in setting up standards to enhance the rule of law and democratic governance which in essence will promote human rights in the region. In finalizing our analysis we conclude that the EAHRC will be a very important structure in concretizing the move towards the East African Federation, making it people based and more stable. Pushing forward the political union without due consideration of human rights and good governance in the region is like placing the cart before the horse.

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