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A Case for Formulation of an Intervention Policy:
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This paper is centred on the view that the East Africa community (EAC) has the framework for states to collectively agree on when to intervene in the domestic affairs of another state while ensuring that intervening states remain neutral toward competing domestic powers in the subject state. This paper considers Burundi to offer context and proposes various types of intervention and possible prevention. The paper is addressed to the East Africa Community (EAC) and more specifically East Africa Legislative Assembly and Summit. The paper considers the applicability of the provision of the treaty on the East Africa Community on peace and security. The paper proposes that states should enhance peaceful coexistence by adopting a policy on intervention when the situations demand. Drawing from the conflict in Burundi and the response of the EAC, the paper proffers recommendation that could be employed to enhance peace and security in Community.

Introduction

The East Africa Community treaty governs the behavior of states in matters Customs Union, Common Markets and Monetary Union Community as contained in Article 5 of the East Africa Community Treaty[2]. It is anticipated that these three aspects will produce a united federation of East Africa. Under these three aspects it is hoped that the EAC will achieve political union by way of a federation. The political union is anticipated to promote peaceful coexistence between the countries. Article 6 of the treaty provides for the fundamental principles that are to guide the transactions of the Community. These fundamental principles that govern the achievement of the objectives of the Community by the Partner States shall include: first, mutual trust, political will, and sovereign equality. Second, peaceful co-existence and

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[2] The treaty generally captures the specific objectives on how to deal with the relations of States within the Community

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good neighborliness and third peaceful settlement of dispute. There are no direct policies that have been formulated to ensure that these principles are given effect.

With the foregoing in mind, there has been a crisis in Burundi that has not been addressed adequately. The East Africa Community (EAC) has arguably been silent on this issue. There has been very little effective resolution of the peace and security situation in Burundi. At the moment the perception is that violence and hostilities have ceased in Burundi. However, the systemic problems still persist. The role of regional organizations such as EAC is to ensure integration within the region. Integration contributes greatly to peace and security of a region. What becomes clear when integration is achieved is that there will be peaceful coexistence. It is not clear what is meant by peaceful coexistence. This is because there is also very little agreement on the breadth and strands of peace. This is irrespective of whether the consideration is based on (Galtung 1977) or (Boulding, 1978) peace models. The idea of this paper is to propose an interventionist approach to avert a crisis or relapse into violence. The assumption is that the ideals of the EAC treaty are not merely statements of good intent with no actual effort to realize them. The interventionist model should be placed in the legislation of EAC and passed by the states to avert a crisis in light of the Burundi and Rwandan history.

Brief History

The East African Community (EAC) is regional intergovernmental organization comprised of six (6) States in the African Great Lakes region in Eastern Africa. The States are Kenya, Rwanda, Burundi, South Sudan, Tanzania, and Uganda. President Paul Kagame of Rwanda is the current Chairman of EAC heads of state. The organization was founded in 1967 (Mugomba, 1978). However, there was a momentary collapse of the organization in 1977, and pursuant to renewed and continuous efforts of the Presidents of Kenya, Uganda and Tanzania it was revived in 2000 (Mugomba, 1978). Burundi and Rwanda later joined the federation after it became apparent that there was a need to foster a regional cooperation. According to (Sullivan 2005) Burundi has been ravaged by a history violent outbreak, often consisting of Hutu rebel attacks followed reaction of the Tutsi military forces (1965, 1972, 1988, and 1993). He argues that such

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outbreak took place in the 1972 genocide, an important and reference point for Burundians in which between 2,000 and 200,000 Hutu were killed, while another Hutu fled the country. He contends that another outbreak of violence in 1988, fuelled largely by rumours showing tendencies of a 'new 1972', which led to the killing of several hundred Tutsi by Hutu in response the killing of as many as 20,000 Hutu by the Tutsi.

This violence brought great international pressure to bear on President of Burundi, who had just risen to power in a bloodless political struggle. President Buyoya responded with extensive reforms, which culminated in legislative and presidential elections in 1993, for which registered voters turned out. President Buyoya accepted the results peacefully and the initial transition smoothly, despite student protests and two little-supported attempts shortly before the election by extremists in the Tutsi-military. With this history in mind, and subsequent developments in states such as Uganda, Rwanda, Kenya and Tanzania it is apparent that peace and stability is integral to the integration process. It must be addressed through mechanism such as intervention by the community. There is no policy framework that can be used to show the intent of EAC to bring about peaceful coexistence. On 20th May, 2017, the EAC Heads of State adopted the Political Confederation as a transitional model that would eventually lead to the East African Political Federation.[3]

Existing Policy Gap
As stated in EAC's founding Treaty, Article 5(1), the objective of the Community is to develop policies and programs aimed at "widening and deepening cooperation among Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs for mutual benefit". The goal thus is to ensure that public goods are achieved which cannot be provided by individual member states. Organizations like COMESA, SADC and ECOWAS do not have a provision for political union in their founding treaties yet they are more advanced in their strategies and operations and have a broader appreciation of security. To foster these deeper commitment and cooperation, there a clear need for the EAC to come up with a policy framework that touches on the integration

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[3] Information gathered from https://www.eac.int/political-federation

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process. The policy should ensure that there is peace and security with the states in the Region. The lack of peace and security policy gets in the way of the integration of the region hence a clear need for a policy that will address the gap created under the treaty regime.

According to Wanyama Masinde and Christopher Otieno Omolo (2017 effective and deeper integration in the EAC is greatly inhibited by the insecurity and political instability in the region. Each of the five Member States, with the exception of Tanzania, has experienced at least one ethnic or civil conflict in the last two decades and each of the states is neighbored by at least one country experiencing one conflict or another. In this regard these unfortunate incidences in the state creates a common ground for formulation of common policy. Security is indeed a public good that the nation-states have not been able to provide individually, and for which can be easily achieved through collective efforts such as policy formulation initiative.

Little attention has been paid to the actions and activities of neighbouring States in the literature on internal conflicts. The regional subtleties and the international breadths of internal conflict are poorly understood and illustrated. The emphasis is usually on the effects posed by the overflow effect, rather than understanding the underlying motivations of external intervention and the effects that can be introduced by level and kind of assistance from the regional organisation. External factors can powerfully shape the peace building processes and outcomes and the outcomes. Although there is useful purpose for external actors to intervene, such activities complicate matters and may cause the situation to escalate into violent inter-communal conflict. A classic example in EAC is the delicate handling of the case of Burundi.

The purpose of any regional organization can be discerned from the conceptualizing documents such as treaties or agreements. The treaty of East African Community 2000 is the foundational legal instrument establishing the organization. (Binda 2017) argues that the man reason for the existence of the East African Community (EAC) as an intergovernmental organization is not stated verbatim (word for word) in the Treaty unlike the European Union where the powers of the supranational organization are spelt out with clarity so as to be separate and contrast propensity of the Member States to

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belong. The idea is very different in the EAC the situation and he argues that it is quite hazy. The main reason for existence for EAC can rather be implied from the objectives of the Community as broadly set in Article 5 of the Treaty. With this conceptual difficulty, one would expect that clarity on its operation would be attained from several policies and regulations as passed from time to time.

(Williams and Boutellis 2014) argue that restructuring the institutional and organizational dimension of Africa's regional security cooperation ensures structural coherence. This is more so under 'the principle of equitable regional representation and rotation'. They argue that this may necessitates pressuring states to improve their governance credentials in order to qualify for admission in the reconstituted Regional Organizations, consistent with the Constitute Act of the AU, the PSC Protocol, and other good governance conventions. The intermediate goals of EAC are Customs Union, Common Markets and Monetary Union which will ultimately lead to Political Union. Peaceful coexistence and neighborhood put in (Galtung, 1969) lenses would effectively include social justice initiatives such as peace building which would arguably be viewed by critics as interference with society

The ultimate goal of EAC is a political Federation based on Regional Integration. Under Article 5(2) of the Treaty for the Establishment of the East African Community creates the main goals of the community to consist of three pillars namely common foreign and security policies, good governance and effective implementation of the prior stages of Regional Integration. Attaining the status of a Political Federation is a process and not an event. According to the EAC website[4], though the process of federation formation has been slow, the EAC Heads of State resolved at a Special Summit held in Nairobi on 29 August 2004 to underscore several means and strategies for deepening and fast-tracking the process through an accelerated consultative Mechanism.

Peace building is a broad phenomenon. It operates within different prisms including regional organisations. This adopts the reasoning by Johan Galtung on the idea of peace. The idea of regionalism has been subject of

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[4] Visited on Sunday 17th March 2019 at 1530hrs

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interest in the international political economy literature, but regionalism as related to international politics and peace and security matters is often associated with neorealist scholars (Lamy 2008: 126) with their state-centric interpretation of regional integration. Bachmann, O. (2011) attempted to define regionalism as "idea, ideology, policies and goals that seek to transform a geographical area into a clearly identified social space. (It) also relates to the construction of an identity and carries as a result, a strong cognitive component." From the foregoing it is clear that the social space of the region is at the centre of focus in peace building in the region. Isiaka A. Badmus, (2015) argues that neorealist perspectives on regionalism are based on the assumption of the existence of regional security threats that need to be confronted by regional hegemon(s) for the stability of the region. He further suggests that since neorealism is supported greatly by the state centric representations of regional integration, it assumes that states are the primary actors in international relations and enter into security cooperation as a strategy to counter external security threats.

According to (Badmus, 2015) the neo-realists, regionalism in the state's calculation is a useful political tool to achieve its national interests and maximise power. Therefore, since international politics is characterised by the states' struggles for power, prestige and wealth in a competitive international system and amid conditions of global anarchy, states are motivated to join regionalist projects because of the benefits, either in term of relative or absolute gains, that they expect to derive from such projects. The existence of security complexes, regional hegemons may assume the role of security provider or guarantor, and hence control regional stability and order. The idea of the regional organisation seeks to balance the power of the hegemon so that there is a clear policy that at the minimum will be respected. Although the regional hegemon may also provide "protection" from assumed security threats, this inevitably demonstrates the power asymmetries since the less powerful states in any regional may have to accept subordinate roles. The balance of power envisaged in a region such as EAC ensure that states are maintain peace and stability. The process of integration that has been envisioned by EAC together with the objectives that are set can only be compared to a community that seeks to be a regional block. It arguably takes after the model of the European Union and has adopted the EU's institutional framework which is considerably highly institutionalized.

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This include the EALA (legislature) and also EAC Court of Appeal (judicial mechanism) among others. This set up is ideally ambitious and requires deeper commitment financially and consistent political good will by the member states.

On the international relations front the goal of the EAC was and still remains to establish common foreign and security policies to safeguard the common values, fundamental interests, and independence of the Community through strengthening the security of the Community and its Partner States. In addition, the goal on peace and security Fostering and maintaining a conducive atmosphere that is a pre-requisite to social and economic development through co-operation and consultations on issues pertaining to peace and security of the Partner States. The phenomenon of regionalism provides a useful analytical framework to study Africa's efforts in maintaining regional security.

There has been a great push by scholars to have African solution to African problems. (**Okello, S. 2016)**, argue that there should be an approach that adopts African Solution for Peace and Security (AfSol), Try Africa First, Community self-help groups are the major themes and Do it yourself ideas. This is applicable to the EAC as well. (Munene 2015) argues that without external interference each EAC state has tried to become viable and acceptable to its people and have concentrated on peace, meaning law and order at the expense of maintaining generic peace. In the process of maintaining the peace the idea of state ran into friction with the idea of nation within the states who refused to identify with the state.

Policy Issue

The East African Community has been a key player in attempts to resolve the ongoing instability in Burundi since 2004. Although EAC recognized at an early stage that a crisis was looming, it took a long duration for action to be taken at the highest level and as such it could not be to affect key aspects of the crisis, for instance the contested elections in June and July 2015 (Bar, 2018). There was a coup attempt in May 2015, as EAC heads of state were discussing the crisis at an EAC summit in Dar-es Salaam. This made the splits worse of since it took an angle that introduced division along political lines between the member states and undermined a coherent stance and

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policies on Burundi. This effectively means that the existing policies were not sufficient to address situation in Burundi or that there was no effective way of determining an appropriate peace and security initiative towards the crisis. The initiative that would arguably be considered as most successful of EAC's intervention was the call for a dialogue between key Burundian political parties although this came up almost two years after it was first mooted. The results of this initiative may not be quantified.

Can states intervene on the basis of peace and security in East Africa? To answer this question, one must encounter issues of state sovereignty. State sovereignty is a serious international law issue that introduces areas of the limitations for Regional Organization to interfere (intervene) with a state such as Burundi. There has to be an apparent overt violation of human rights or violence that demands bypassing State sovereignty. Initially, the EAC had no clear position on the question of a third term for President Nkurunziza beyond the principle of encouraging the continued stability of Burundi in respect of the basic texts contained in The Constitution of Burundi. Taking these considerations into account would require, *de-facto,* a diplomatic appeal to President Nkurunziza to forego or abandon desire to insist on a third term. However, there was a failure to do so and as such there were serious violation of human rights leading to deaths and crisis. The situation in Burundi cannot be understood without a context. The cultural and perceptual factors, in the Burundian context, emphasis must be placed on the gradual erosion of national cultural and ethical values due to the "invasion of foreign ways and value systems.

Policy Formulation

The starting point of a peace and security intervention policy is the idea that most of the knowledge needed to fully achieve peace must be produced through a participatory and deliberative process involving all local and external actors. The peace and security intervention approach can be utilized to specifically identify and build on the embedded local knowledge. At the same time, a peace and security intervention approach build on local values and the "sense of community". This type of locally embedded social capital helps to overcome free-rider problems in the pursuit of development activities. Openness to outside values prevents the sense of community from degenerating into communitarian confinement.

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What therefore emerges from this debate is the need to make policies more capable to respond to today's challenges, and thus, more effective and efficient than past intervention. The peace and security intervention policy implies that this can only be achieved by trying to make growth and development intervention more "place-aware" by taking into consideration the sheer variety of factors in diverse geographical locations that may affect the potential returns of intervention. Participation of women in peace building is justified.

The East Africa Community should formulate a policy for intervening in other states' domestic affairs. Some policies can be more robust than we generally acknowledge, such as a general agreement that states cannot cross the borders of another state. The community might agree that states would intervene to prevent genocide for example. To prevent political collapse through deterrence preventive diplomacy can work. However, it is common ground that states often ignore early warnings. That EAC can intervene in states' domestic affairs without necessarily supporting a particular regime or its opponents. The very goal of peace means that the intervening state, or group of states, is taking sides in the conflict. This should be delicately handled to ensure that conflict is averted, peace is generated, and security is guaranteed.

Policy Recommendations

The policy would encompass several dimensions. First, humanitarian efforts by delivery of food supplies, medical care, or other provision of basic human needs in a non-threatening environment which can also encompass certain elements of nation-building if the context is benign. Secondly, the EAC should come up with special peace keeping forces. Peacekeeping by use of military personnel to observe and monitor peace situations, cease-fires, and boundary accords. EAC could come up with peace-keeping military as a neutral character, used to carry only light firearms, and operate under strict rules of engagement prohibiting them from engaging in hostilities except in self-defence.

Thirdly, peacebuilding by going beyond mere provision of food and medicine to the actual reconstruction of institutions and infrastructure within

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a target country in a violent or hostile atmosphere such as Burundi. Although this may not be employed on its own it may be used in conjunction with peacekeeping. Lastly, peacekeeping by the use of EAC forces to control and limit the scope of violence without taking sides to protect humanitarian efforts against military or criminal activity. Such actions are protective engagements that seek to contribute to peace and stability. The Summit of Heads of State should endorse the road map for an exit strategy to the crisis proposed by the team of facilitators and make provision for binding measures to ensure implementation and, where required, impose sanctions against those obstructing its implementation.

Women form the base for any society and in East Africa Community. Even though there is a youth Policy that addresses peace and security of the region there are additional dimensions that must be captured in the women empowerment front. The main objective of the policy is to ensure that women participation in political processes and peace building for political, social and economic stability of the East African Community.

States should ensure that the following is done. First, strengthen the capacity of women organizations in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning, civic education, tolerance, human rights education and democracy, mutual respect for cultural, ethnic and religious diversity, the importance of dialogue and cooperation, responsibility, solidarity and international cooperation. Secondly, institute mechanisms to promote a culture of peace and tolerance amongst women that discourages participation in acts of violence, terrorism, xenophobia, racial discrimination, gender-based discrimination, foreign occupation and trafficking in arms and drugs.

This paper also suggests that there should be discussions on peaceful coexistence with a view to establish a treaty that would foster this peaceful coexistence. This could include humanitarian intervention efforts to offer food, among others.

Conclusion

This intervention approach presupposes that the states have both the information and knowledge to design, implement, and monitor the most adequate development strategies through either monetary policies, fiscal policies, or institutional intervention. The peace and security interventions

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are alternative pathways to development, which require attention to detail and the institutional context. In contrast, by acknowledging the limits of the central state to design good local development policies, peace and security intervention strategies recognize the need for peaceful coexistence based on partnerships between different levels of governance, both as a means of nation building and also of identifying and building peaceful neighborhood.

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