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Consensus and the Future of the East African Community

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The East African Community, having made rapid progress since 1999 largely due to its consensual approach to inter-governmental decision making, needs to strengthen, consolidate, and preserve its decision-making regime: first, by avoiding issues around which consensus eludes the Community's Partner States; and second, by emphasizing continuous engagements among Partner States in order to generate the necessary consensus on almost all cooperation issues. This has important implications for safeguarding the EAC against intra-Community fissures, which greatly threaten current and future solidarity within the Community and can slow down the achievement of the EAC's ultimate political and pan-African destiny.

Contents

Acknowledgement

Acronyms

ACODE	-	Advocates Coalition on Environment and Development
AU	-	African Union
CODESRIA	-	Council for the Development of Social Science Research in Africa
EAC	-	East African Community
EACJ	-	East African [Community] Court of Justice
EALA	-	East African [Community] Legislative Assembly
IO	-	International [Inter-Governmental] Organisation
MDP	-	Mutual Defence Pact
NUS	-	National University of Singapore
OAU	-	Organisation of African Unity
RO	-	Regional [Inter-Governmental] Organisation
SADC	-	Southern African Development Community
RECSA	-	Regional Centre on Small Arms and Light Weapons
UN	-	United Nations

1.0 Introduction

The East African Community (EAC) has made rapid progress since 1999 and is now "considered … across the entire African continent as an exemplary organisation of successful regional integration."[1] This progress is mainly rooted in consensus as the EAC's central approach to decision making. Maintaining this rate of progress demands avoiding issues around which consensus eludes states during negotiations in order to avoid fractures within the Community. There is need for policy attention from the EAC's Ministerial Councils and the Summit to address the challenge of safeguarding and institutionalising consensus. As provided for in the Treaty and operational instruments[2], EAC negotiations have resulted in joint, programmatic actions that implement consensual decisions.[3] Therefore, consensus ought to be given sufficient time, and adapted to the rapid changes occurring within and without the EAC, in order to consolidate the EAC's achievements. This would progressively widen and deepen the scope and nature of cooperation. The EAC's future lies in its decision-making regime and practice; the ultimate aim of a political federation can only be reached and consolidated when the EAC safeguards the unity which has been built through consensus.

This Policy Briefing Paper analyses the importance of consensus in the EAC's decision-making process and makes recommendations for avoiding non-consensual decisions and actions. The main objective is to highlight the potential implications, for the EAC's future, of undertaking non-consensual decisions and actions. It maintains that deviations from consensus contradict the very strategic objectives of the EAC, especially (i) the desire to ultimately achieve a political federation; and (ii) acting a stepping stone toward African unity or achieving continental politico-economic integration. It follows, therefore, that recent steps made by the "Coalition of the Willing", and reactions of non-coalition Partner States to the coalition's decisions and actions, indicate discomfort with non-consensual decisional processes in the EAC that Partner States need to carefully reflect upon.

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1 István Tarrósy, 2014, '"Past Fears – Future Hopes" An Example For Regional Co-Operation Outside Europe: From The East African Community To An East African Federation', in István Tarrósy, Gerald Rosskogler*, eds., Regional Co-operation as Central European Perspective*, Vienna: Europe Centre - IDM, pp.161-169, at p.161
2 EAC, 1999, *Treaty for the Establishment of the East African Community* (amended 2007 and 2009), Arusha: EAC, Articles 12(3), 15(4&5), and 63(4) on presidential assent to EALA bills. EAC, 2001, *Protocol on Decision Making by the Council of the East African Community*, Arusha: EAC
3 Exceptions to consensus are conditions of suspension and/or expulsion. Treaty, Article 148

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The Policy Briefing Paper proceeds as follows: the first section outlines the background to the problem, mainly the non-consensual decisions and actions undertaken by the Coalition. The second section outlines the logic (philosophical and theoretical basis) of consensus decision-making in regional-international cooperation. It juxtaposes the advantages and disadvantages of consensus vis-à-vis other decision-making procedures. The third section stresses the relationship between consensus and the future of the EAC, paying attention to socioeconomic, cultural, and politico-security destiny of the EAC. The conclusion sums up the main arguments and makes policy recommendations.

2.0 Background to the EAC's Decision-Making Challenge

In 1967 the EAC emerged as the exemplar of successful postcolonial regional integration, through the signing of the Treaty. But 1977 the Community was dissolved partly because of the decision making difficulties which were rooted in ideological and political divergences between the leaderships of Partner States, and partly because decision-making did not involve multi-level consensus as is the current practice.[4] Despite this experience, however, the EAC was revived during the 1990s. Part of its success is attributed to the EAC's decision-making processes and procedures which are multilevel and consensual as opposed to pre-1977 decisions which were concentrated in the Summit of Heads of States with limited engagement of lower-level technical and policy expertise. As a safeguard to maintain consensual decision making, EAC Partner States signed and ratified a Protocol on decision making in 2001. The Protocol lays emphasis on consensus as provided for under Articles 12 and 15 of the Treaty.

Despite the foregoing, consensus has not been completely unproblematic. Recent reports from the EAC indicate deviation from consensus. In some instances Partner States exhibit proclivity to cooperate on issues lacking regional consensus. This trend may cause discomfort to some adherents of East African integration. The integration is seen as a means of socio-economically and politically strengthening East Africa, and as a step toward continental integration. This dual objective informed the Continentalist-Regionalist Debate during the 1960's, a debate that placed *wa Baaba wa Mataifa*–Kwame Nkrumah and Julius Nyerere–on opposing camps.[5] Two recent developments indicate deviation from consensus:

(a) The emergence of a "Coalition of the Willing", in 2013-2014, comprising of Kenya, Rwanda, and Uganda. The "coalition" was accused of sidelining Tanzania and Burundi. It developed cooperation instruments, seemingly creating a 'community' within the Community. For instance, the press reported that "Defence ministers and top security officials from Kenya, Uganda and Rwanda … signed an agreement to jointly fight transnational crime", and a [Trilateral] Defence and Security Pact.[6]

4 Joseph S. Nye, Jr., 1966, *Pan-Africanism and East African Integration,* Cambridge, Mass.: Harvard University Press

5 Omar A. Touray, 2005, 'The Common African Defence and Security Policy', *African Affairs*, 104(417):635-656 (p. 637); Patricia B. Wild, 1971. 'Radicals and Moderates in the OAU: Origins of Conflicts and Bases for Coexistence', in Paul A. Tharp, Jr., ed., *Regional International Organisations*, New York: St Martin's Press, pp. 36-50;; Claude E. Welch, Jr., 1966, *Dream of Unity: Pan-Africanism and Political Unification in West Africa.* Ithaca, New York: Cornell University Press

6 The Citizen, 2014 (Jan. 14), 'Coalition of the willing emerges again in EAC', Dar es Salaam: *The Citizen* (http://www.thecitizen.co.tz/News/Coalition-of-the-willing-emerges-again-in-EAC/-/1840360/2144030/-/view/printVersion/-/5sputg/-/index.html, 22 April 2014)

Yet the Pact was, according to the Protocol on Cooperation in Defence Affairs, still under development. States had not ratified this Protocol, which States: "The Partner States undertake to *negotiate and conclude a Mutual Defence Pact within one year upon entry into force* of this Protocol."[7] A trilateral Agreement not reached through consensus within the EAC may be difficult to implement and may sent a bad precedent for deviating from consensual decision making.

(b) 'Sidelined States' express discomfort with these developments. It appears when consensus remained elusive other states chose to continue coalescing outside the EAC's organisational framework. Tanzania's Hon Abdallah Juma Saadalla is reported to have indicated that his country and Burundi were not invited to the *Coalition's* meeting: "We weren't invited…we have already signed the EAC Defence and Security Protocol, which has yet to been ratified. Whatever our fellow members are doing is outside the integration process."[8] Tanzania is a historic member of the Community. But the coalition held two meetings–in Entebbe and Mombasa–which Tanzania and Burundi did not attend, hence raising "eyebrows" over whether "Coalition" States are deliberately sidelining Tanzania and Burundi.[9]

These developments–deviations from consensus and reports of discomfort about it–may resurrect ghosts of the 1977 dissolution of the EAC. Yet, as Victor Umbricht discovered later, East Africa was–and is–much more integrated than was appreciated. This previous integration consciousness explains why the EAC's revival was provided for in the 1984 Mediation Treaty, its decisional processes rooted in consensus in 1999[10], and rapid progress has been realized since 1999. Thus, consensus was intended to strengthen the Community to avoid a recurrence of 1977. To understand the apparent deviation from consensus and reactions toward this development one needs to appreciate the logic behind consensual decision making in international organisations.

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7 EAC, 2012, Protocol on Cooperation in Defence Affairs, Arusha: EAC, Art. 17

8 *The Citizen*, Op Cit

9 Alon Mwesigwa, 2013 (24 Sept.), 'EAC: Why Coalition States Need Tanzania', Kampala: *The Observer* from http://www.observer.ug/index.php?option=com_content&view=article&id=27658:eac-why-coalition-States-need-tanzania, 22 April 2014)

10 EAC, *Treaty for the Establishment of the EAC;* Victor Umbricht, 1989, *Multilateral Mediation: Practical Experiences and Lessons*, Dordrecht/Boston/London: Martinus Nijhoff Publishers; cf Agrippah T. Mugomba, 1978, 'Regional Organisations and African Underdevelopment: The Collapse of the East African Community', *The Journal of Modern African Studies*,16 (2):261-272; Arthur Hazlewood, 1979, 'The End of the East African Community: What are the Lessons for Regional Integration Schemes?', *Journal of Common Market Studies*, XVIII (1):40-58

3.0 The Logic of Consensus

Negotiated consensus is one of the ways through which states make decisions regarding cooperation within international organisations. Besides other decision-making procedures, such as majority decisions, adoption of expert opinions (epistemic-ideational influence), and lobbied and hegemonic impositions, EAC Partner States preferred consensus within the regional-international organization (RO). Sovereign States establish regional and international organisations (ROs and IOs) to protect and promote their interests. Most of such interests are shared: hence, interest convergence is central to founding and maintaining ROs as avenues for interstate cooperation. This convergence motivates States to establish regimes (rules of the cooperation game and their operational procedures) to maximise benefits of joint action and minimise costs of independent decision making and action.[11] Since regimes cannot operate in the void, States establish organisations to operationalise these regimes. Organisations, such as the EAC, are expected to be centralised and neutral, to arbitrate between States and carry out substantive operations.[12] Therefore, they need a minimum level of independence from States in order for them to coordinate between States while remaining neutral to states' interests.[13] One of the key regimes relate to decision making within these organisations: who decides, how and to what effect.

In international cooperation, decision making always remains in the hands of States' representatives, not organizational officials. Examples of state representative bodies are the EAC's ministerial Councils, Committees, and, where needed, the Summit. In the EAC, consensus is necessary from the technical level, through ministerial Councils, to the Summit during any agenda-setting process. This is in accordance with the provisions of the Treaty and Protocol on Decision Making. Hence, consensus begun as a regime requirement and has become an EAC norm. Emphasis on consensual decisions and actions partly explains why the EAC has made fast progress in regional integration.[14]

11 Arthur Stein, 1993, 'Coordination and Collaboration: Regimes in an Anarchical World', in David A Baldwin, *Neorealism and Neoliberalism: The Contemporary Debate*, New York: Columbia University Press, pp. 29-53
12 Kenneth W Abbot and Duncan Snidal, 1998, 'Why States Act through Formal International Organisations', *Journal of Conflict Resolution* 42 (1):3-32
13 Yoram Z Haftel and Alexander Thomson, 2006, 'The Independence of International Organizations: Concept and Applications', *The Journal of Conflict Resolution*, 50 (2):253-275
14 Tarrósy, '"Past Fears – Future Hopes" An Example For Regional Co-Operation Outside Europe.'

The 'Coalition of the Willing' is made up of Rwanda, Kenya, and Uganda: presidents Paul R. Kagame (L), Uhuru M. Kenyatta (C), and Yoweri K. Museveni (R) pictured above.

This in no way implies that consensus is spot-free. Some reasoners concur with some stakeholders' argument that "decision making by consensus means [that] the pace of integration is dictated by the slowest member."[15] This argument reflects the view that consensus decision making was intended to protect State sovereignty because it ensures that EAC Partner States which might feel that strong measures impinge on their "meta-political authority" can stymie agreement on those issues.[16] I appreciate such viewpoints. Nevertheless, consensual decisions are useful in many respects, and consensus is not to be conflated with state autonomy. Despite consensus, the EAC has been making rapid progress, indicating the usefulness of the decisional regime. Contrarily, consensus ensures future and consistent unanimity among Partner States to enhance decisional ownership. It should be safeguarded and maintained for three reasons: safeguards to state sovereignty; decisional ownership and permanence; and balancing.

First, consensus should be safeguarded because it prevents imposition of decisions upon States by other States. This is consistent with principles of respect for State sovereignty and independence, which are entrenched in UN and AU charters, and in EAC instruments. Second, safeguarding consensus ensures more permanent and continued ownership of collective decisions, for consensual accession to a convention prevents discomfort that might arise from majority decisions or impositions.

15 Julius T Rotich, 2012 (7 June), *Overview of the Process toward the EAC Political Federation*, Arusha: EAC, p. 30
16 Yoram Z Haftel and Alexander Thomson, 2006, 'The Independence of International Organizations: Concept and Applications', *The Journal of Conflict Resolution*, 50 (2):253-275

Consensus promotes a more consultative approach to decision-making than would be possible when decisions arise through majority votes or where there are impositions from hegemons. Consensual procedures widen and deepen involvement of states' institutional architectures, thereby enhancing local legitimacy of regional decisions and actions. Finally, by lengthening negotiations and agenda-setting processes, consensus helps to balance emotional, technical, and idiosyncratic convictions among negotiators.

With the foregoing benefits and considering the history of the EAC, the 1977 experience of dissolution and the EAC's stated desire to ultimately integrate to a political federation, deviations from consensus are antithetical to these states objectives. It is worthwhile to summarise that while consensus may be blamed for allowing 'slow' members to drag the integration process, it has the advantage of keeping everyone on board, preventing hasty decisions, promoting ownership of major political decisions, ensuring sustainable and enforceable state commitment, and allowing Partner States to check one another without reference to non-EAC bilateral and trilateral decisions and actions that are parallel to, or replications of, EAC programs.
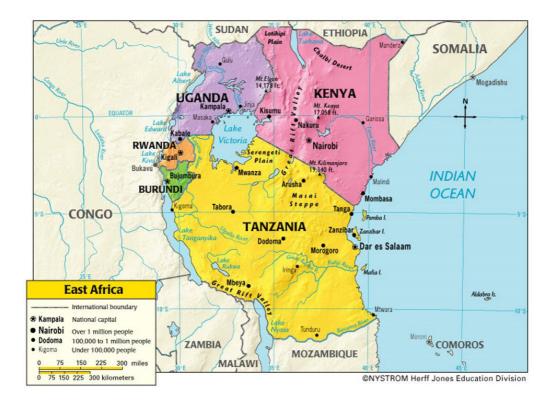
Table 1: Consensus Versus Other Decision-Making Procedures

Decision-Making Procedure	Advantages	Disadvantages
CONSENSUS	• Prevents imposition of decisions upon States by other States. • Ensures consensual ownership of decisions/ actions • Promotes, widens & deepens consultative decision-making • Balances emotional, technical, and idiosyncratic convictions of negotiators & States • Smoothens inter-State coalition politics	• Slows down decision-making processes • Foreign influence via one State affects whole Group • Gives near-equal Veto Powers upon any decisions to slow, small & large members
OTHERS Procedures (*e.g. Majority Vote, Expert Opinions-Adoption, Subtle Imposition, Hegemonic Influences*)	• Prevents slow members from stymieing cooperative decisions • Avoids consensual stalemates • May benefit from visionary foresight of some few actors • May refocus collective interests with less stalemate	• Amenable to impositions upon Sovereign States (from strong Parties & foreign interests) • Does not broadly and deeply cater for idiosyncratic, emotional, & technical dynamics • Ownership of collective decisions remains contested by some members • Poised to inter-State coalition politics between Statist-Nationalist and Confessionalist coalitions Versus Internationalist coalitions • More likely to suffer foreign influence than consensus

Source: Author's Analysis[17]

17 Also see: Etel Solingen, 1998, *Regional Orders at Century's Dawn: Global and Domestic Influences on Grand Strategy*, Princeton NJ: Princeton University Press; Haftel and Thomson, 'The Independence of International Organizations.'

From Table 1, consensual decision making implies that all States have *unwritten equal veto powers* on joint decisions. Apprehensions voiced during negotiations require consensus for their resolution. Since consensus is necessarily multi-level before the issue's inclusion in an agreement, States' negotiators and drafters of the EAC Treaty must have weighted the advantages and disadvantages of either method of decision making in Table 1. Therefore, the emerging bilateral/ trilateral tendencies to form coalitions partly reflects deviations from consensus decision making and hence desire to limit other states' equal veto over EAC decisions and thus stymieing their regional base.A mention on the limits of consensus within the EAC is useful here. Owing to consensus-based decision-making, firm opposition from a Partner State at all levels would have vital implications for the EAC. First, it would render negotiations incomplete. Other States must alter their positions to assuage opposition at relevant stages of negotiations. Second, agenda-setting processes and regional legislations would become protracted: negotiations would continue; new issues may recurrently emerge; negotiators are forced to eschew deadlines. Neither cooperation nor non-cooperation becomes the discernible outcome of elusive consensus but protracted negotiations depending on the shadow of the future. When the East African Legislative Assembly (EALA) passed the Trans-boundary Eco-Systems Bill, Tanzania vetoed it. The bill, thus, lacked regional consensus, making it a protracted engagement.

Flags of the now six EAC Partner States. The More the EAC expands the more difficult it will be to degenare consensus on many issues

Third, if consensus remains elusive a new strategy can be adopted, say widening and deepening the scope of consultations. This may stretch to foreign States or organisations in line with Article 130 of the Treaty. This perhaps obtains with

the issue of membership to the Mutual Defence Pact as I later highlight. Fourth, consensus can remain completely elusive hence non-cooperation: the issue in question, once consensus is not reached, is excluded from EAC cooperation frameworks. It is difficult, however, to determine the threshold when and where consensus is considered to have totally eluded the community except on issues which ministerial councils reject their inclusion on the EAC agenda.

4.0 Consensus and the EAC's Three Futures

The EAC's cooperation instruments result from consensus. To sidestep the aforesaid limitations of consensus, States may resort to bilateral/trilateral coalition politics as is the issue under analysis. Yet this need not threaten the future of the EAC, as I address below, for the limits of consensus are not insurmountable. Three areas of cooperation can be considered: socioeconomic; socio-cultural; and politico-security. Each area has allowed some form of cooperation, both ongoing and forthcoming. In line with Article 5 of the Treaty, states must relate with the EAC Secretariat on a regular basis to effectively cooperate on wide-ranging issues. The "Willing Coalition", to avoid compromising Article 72 of the Treaty (which encompasses all Partner States' relationship with the Secretariat), must keep the EAC Secretariat out of all processes of developing instruments and implementing them. This process of sidestepping regional consensus is challenging because: (i) it may impose new resource, diplomatic, and technical demands upon these States; (ii) it has implications for the three policy-areas of cooperation once cooperation is fragmented to below-the-EAC; and (iii) intra-EAC interactions may lead to group-think among so-called "willing" members who may develop prejudices between intra-regional coalitions. Maintaining consensus ensures regional cohesion, and avoids fractures within an RO's membership.

4.1   Socioeconomic Futures

The EAC's development programs are based on consensus between states whose economies' average growth rates are encouraging, and are likely to double when integration under the customs union and common market intensifies and trickles down. To develop joint programs outside the consensual customs union and common market is to sub-divide the bloc. There are enviable natural resource deposits, which, once collectively planned for and exploited, within the institutional umbrella of the common market, can tremendously propel socioeconomic progress reflected in the positive projections about the community.

Truck crossing inter-State border within the EAC. Trade, joint investments, and infrastructure are cornerstones of EAC integration. Progress made through the common market needs to be safeguarded.

From a socioeconomic perspective, the consensual customs union and common market, though not without present and future challenges, depend on consensus to ensure joint implementation. This is because: (i) the EAC's economic forecast is positive and encouraging; (ii) population growth rates and literacy improvements provide great promise for development; and (iii) the Community's high-value natural resources that can catapult development are being exploited concurrent with infrastructure development. If consensus is eroded, three challenges may result: first, political good-will, whose presence propelled the EAC in the customs union and common market, may be diverted to bilateral and trilateral obligations. Second, addressing technological limitations (via adoption, invention, education), social services provision (education, health, and water) may create conflicts with EAC developments; indigenous/intra-EAC capital development and accumulation (perhaps via intra-regional business partnerships, pooling of capital, private-public partnerships, labour re-orientation), which are encouraged under the common market, may suffer intra-community corrosion. Third, intra-EAC industrial and infrastructure development are expensive and require regional pooling huge amounts of resources, which coalition politics may not muster. Thus, any compromise on consensual cooperation stymies ongoing efforts and the realisation of future potentialities. When regional consensus is fractured, cooperative management of this economic base may reduce and the resulting competition between coalitions stifles joint development.

4.2   Socio-cultural Futures

One of the reasons why consensus informs EAC processes is that the EAC is built upon sociocultural similarities among the Community's people. This is linguistically and ethno-racially observable. Kishwahili has been and is being developed as East Africa's age-old linguistic innovation. Earlier, foreign interests that had supported regional integration[18] are now replaced with cross-border social ties that demand regionalisation of social and economic existence. This regionalisation is being realized and demanded by ordinary East Africans who are evolving into a community citizenry[19] as a result of the very consensus as the institutional norms leading to the common market.

Professional and cultural associations now thrive under the spirit of " institutions of the former East African Community" (Article 1(1) of the Treaty): East African Civil Aviation Academy (Soroti, Uganda); East African Development Bank (Kampala, Uganda); East African School of Librarianship (Makerere, Uganda); and Inter-University Council for East Africa (Makerere, Uganda). These institutes and institutions defied the 1977 dissolution and have encouraged the formation of others. These associations have increased cross-national interactions to a level that builds a *community* for the Community. The institutions survived not out of the legal confines regarding their continuity despite the dissolution but because of the common understanding that they transcend political and legal rigidities undergirding non-consensual cooperation.

EAC flag. Common symbols and cultural artifacts constitute Community culture. Such constituents of a common sense of belonging and identity need to be consensually protected from deviations from oneness.

18 Raymond Leslie Buell, 1928, 'The Destiny of East Africa', *Foreign Affairs*, 6 (3):408-26
19 Sabastiano Rwengabo, 2015a, 'From Migration Regime to Regional Citizenry: Migration and Identity Implications of the East African Common Market', Eastern African Social Science Research Review 31 (2):35-61

These commonalities are, once again, reflected in the customs union and common market whose protocols resulted from consensus. Under the Treaty (Ch. 17), provisions for free movement of persons, labour, services, and rights of establishment and residence were enshrined in the customs union and common market protocol, creating a single socio-cultural space. This in no way implies that such a space is conflict-proof but that ways and means of avoiding such conflicts are possible through consensual engagement within the Community. . The recent move toward using National Identity Cards as travel documents within the Region (Uganda has been registering and issuing since 2014), the long-awaited, recently-launched single Passport[20], and the single tourist visa all indicate a common sociocultural future born of consensus.

A key aspect of our consensus-originated integration process is the potential emergence of an East African Citizenry. This sense of regional belonging and self-identification emerges from increased interactions and exploitation of EAC opportunities. The common market Protocol provides for rights of establishment, settlement and residence; freedom of movement of persons, labour, and services; and non-discriminatory protection of persons and their equal rights with citizens in Partner States. Implementing these common market principles opens national borders, increases intraregional migration and cross-border interactions, and intraregional migration, thereby changing people's views and perceptions about their identities. This mutation of identity creates an East African citizenry following interactions in cross-border businesses, investments, friendships, inter-marriages, and other social relations. These forms of belonging transcend simple political worries that may result from practices like "coalition of the willing" Vs. others.[21]

4.3   Politico-Security Futures

Although consensus has not been reached on the political federation, it remains the EAC's ultimate vision. However, consensual cooperation obtains in peace and security affairs the deviation from which endangers progress made in peace and security cooperation. Under chapter 23, Partner States agreed to cooperate in various political and security affairs, by establishing common foreign and security policies (Article 123); identifying and addressing common-interest issues; coordinated responses to regional security issues; peaceful resolution of intra-State conflicts; coordination of defense policies;

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20 Recently, EAC heads of States launched a "New Generation International East African e-Passport". Brian Ngugi, 2016 (3ʳᵈ March 2016), 'New Generation passport for East Africans unveiled, Nairobi: *Daily Nation* (from http://www.nation.co.ke/business/New-generation-passport-for-East-Africans-unveiled/-/996/3101528/-/jtlr7wz/-/index.html, 5 April 2016)
21 Rwengabo, 2015, 'From Migration Regime to Regional Citizenry'.

consultations on issues pertaining to peace and security of Partner States; and undertaking defence cooperation practices, such as joint exercises.[22] Key dynamics in politico-security cooperation are: ongoing attempts to coordinate States' foreign policies; separation of peace and security from defence issues, and negotiation and signing of two separate protocols reached through consensus[23]; and inclusion of a Mutual Defence Pact in the defence Protocol (Article 17) the consensus on which remains elusive. While the recent trilateral Pact need not be taken to be intended to sideline Tanzania and Burundi, it appears to expose coalition politics that may be misconstrued depending on the actor. It unquestionably indicates deviation from consensus which has reaped many benefits for the EAC in the past one-and-half decades.

Defence and peace and security cooperation are cornerstones of regional integration in East Africa. Military games and sports, as well as joint trainings and exercises, are part of defence cooperation.

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22 E.g. EAC, 2016, 'EAC Military Command Post Exercise codenamed Ushirikiano Imara 2016 concludes in Nairobi, Arusha: EAC. Press Release, 31 March (at http://www.eac.int/news-and-media/press-releases/20160331/eac-military-command-post-exercise-codenamed-ushirikiano-imara-2016-concludes-nairobi, 5 April 2016).
23 EAC, 2012, Protocol on Cooperation in Defence Affairs; and Protocol on Peace and Security Cooperation, Arusha: EAC; RECSA, 2004, The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, Nairobi: RECSA

Considering Tanzania's initial objection to the MDP–perhaps in respect for a declaration in the SADC Pact "that none of the international engagements between them and with any Third Party is in conflict with the spirit and provisions of this Pact"[24]–Tanzania had four possible futures in the EAC's MDP. First, it might autonomously decide which Pact to belong to. If SADC's be her choice, this would allow MDP-related consensus for other Partner States. Second, in cooperation with Partner States Tanzania might carry out national consultations before deciding. Third, the EAC would study SADC's Pact, and provisions in its Pact that might contradict SADC's are first analysed and adjusted. This would inform negotiations on the EAC Pact, which may be framed in such a way that consensus is possible and the SADC and EAC Pacts are harmonized. This, again, is consistent with UN and AU Charters. Fourth, the EAC Pact may be "variated." Here, on certain issues or at certain thresholds the orientation of the EAC Pact would include all EAC Partner States. On other issues or at other thresholds it would allow Tanzania to decide whether or not to orient itself to SADC.[25] While these complications bespeak of the limitations of multiple memberships and the cost of constructing a viable regional security architecture [for Eastern Africa] when states belong to multiple organisations[26], it unravels the importance of consensus in making difficult international-cooperation decisions. Tanzania's decisional autonomy is in line with "respect for political independence" in the consensual Protocol. Therefore, the shadow of the future is shortened when the "Coalition of the Wiling" preempts Tanzania's decision.[27] This is why, I would recommend, caution is vital especially on operational issues related to the Coalition's actions.

24 SADC, 2003, *The SADC Mutual Defence Pact*, Art 15; SADC, 2001, Protocol on Politics, Defence and Security Co-operation

25 Common thresholds include "grave circumstances", external attack against an EAC partner State, or common security responses like counter-piracy.

26 Sabastiano Rwengabo, 2015b, 'Institutional Design and the APSA's Implementation in Eastern Africa', presented to the 14th CODESRIA General Assembly, on "Creating African Futures in an Era of Global Transformations: Challenges and Prospects", under the theme: *Regional Integration and Pathways to African Futures,* 8-12 June 2015, Dakar: CODESRIA

27 David H. Bearce, Katherine M. Floros and Heather Elko McKibben, 2009, 'The Shadow of the Future and International Bargaining: The occurrence of bargaining in a Three-Phase Cooperation Framework', *The Journal of Politics* 71 (2):719-732.

5.0 Conclusion and Policy Recommendations

Recent discomfort between the "Coalition of the Willing" and Tanzania-Burundi is quickly being handled, but the long-term solution lies in respecting consensus. It might have been construed as exposing the limits of consensus-based decision making, but it showed the institutional maturity with which the EAC accommodates different levels of interstate engagement without compromising consensual decisional processes. However, it reflects the subtleties of transnational coalition politics in the Community. Akin to the 1977 experience, this nuance leaves our socioeconomic, sociocultural, and politico-security future desirous of greater political commitment to consensus. It is therefore safe to recommend that: (i) consensus be maintained and strengthened as the key decision-making tool, and should not be sacrificed at the altar of "coalition" interests; (ii) bilateral/trilateral agreements should not be construed as binding within the EAC framework; and (iii) the "Coalition" needs to desist from–especially sensitive–practical/operational actions that leave out other EAC Partner States when it covers similar areas of cooperation. To overcome unintended consequences of coalition politics, I recommend the following:

1. Differentiate consensus within bilateral and trilateral agreements from EAC-level consensus, so that the former is not binding to the whole of the EAC. Even if bilateral and trilateral or coalitional decisions may be consensual, they should not be construed within the EAC framework. This protects non-signatory States from obligations they have eschewed.

2. Coalition members should avoid practical/operational actions that leave out other EAC Partner States–just on grounds of lack of consensus–if these actions impact on the latter's socioeconomic and politico-security life. For instance: joint peace support, search and rescue, counterterrorism, and counter-piracy operations on common waters and/or territory; currency union and political federation issues should not be undertaken outside a consensual convention involving all EAC Partner States to avoid suspicions from non-coalition members. Consensual cooperation on these critical issues protects the Community's image, prevents suspicions, and keeps the door open for coalescing on non-critical issues, such as cultural exchanges.

3. Partner States should develop EAC-level modalities for national consultations on contentious issues as part of the agenda-setting process to ensure that national elites guide the general population on issues about which consensus is important, or remains obscure, at regional level. While consultations were carried out on Political

Federation there is no EACconsensual rule guiding such consultations. Sometimes elites are not the best at identifying fundamental fears and opportunities in complex societies: not all informed elites take part in EAC negotiations.

4. Where issues defy consensus, it may be useful to eschew cooperation than create intra-EAC suspicions and blocs. The EAC needs to guard against intra-regional fragmentation.

5. Given the EAC's people-centredness, it may be useful to open public debates on some issues in order to galvanise public support for key issues instead of relying on the idiosyncratic judgment of few officials. Are the issues really contentious or sometimes few elites decide so and thus stymie consensus on issues the cooperation on which East Africans would otherwise have supported?

6. The "Coalition of the Willing should continue engaging the 'non-willing' through appropriate channels to prevent isolation and thereby generate final consensus on those issues. This leads to future understanding, breeding consensus on hitherto seeming contentious issues.

The Republic of South Sudan (flag pictured) was recently admitted in the EAC

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