

# Putting People at the Center of Regional Development

## A case study of Kituo Cha Katiba

Hannah Nyokabi Kaniaru makes a living selling fruit at the City Market in Nairobi, Kenya. In neighboring Uganda, Thomas Wanyika Maembe spends his days promoting sustainable fishing practices on Lake Victoria. And in Tanzania, Chris Maina Peter splits his time, teaching law in Dar es Salaam and helping to oversee a legal aid center in Zanzibar. Not long ago, all three of them had a unique opportunity to share their thoughts on the East African Community (EAC), a resurgent effort to bring their countries closer together economically, socially, and politically.

### Grant Summary

#### Eastern Africa Centre for Constitutional Development (Kituo Cha Katiba)

US\$200,000 (2004)

For research, advocacy, and networking on civil-society initiatives on citizenship and identity in East Africa.

In principle, ordinary citizens like Kaniaru, Maembe, and Peter are the driving force behind the new EAC, whose founding treaty calls for a “people-centered” approach to development. In practice, though, top-down leadership dominates the intergovernmental organization’s agenda, a tendency that could ultimately undermine its mission. Indeed, earlier attempts to integrate the region in the 1960s and ’70s collapsed, at considerable public expense, when heads of state ran into disagreement. “This time around, we want to do it right,” says Maria Nassali, a Ugandan scholar and activist who has been following its development closely. “We need to ensure that civil society plays an active and meaningful role in shaping the EAC’s processes and programs so they benefit the greatest number of people, including marginalized groups.”

Nassali was part of a recent delegation exploring opportunities for ordinary citizens to help inform the work of the EAC, which was revived in 2001. During a series of fact-finding missions, she and seven colleagues conducted no less than 174 interviews with politicians, civil servants, scholars, activists, merchants, journalists, youth, and others in the region—including Kaniaru, Maembe, and Peter. The trips were orchestrated by Kituo Cha Katiba, a leading research center based in Kampala, Uganda. Also known as the Eastern Africa Centre for Constitutional Development, Kituo has been instrumental in helping to advance thinking, dialogue, and action around citizenship and identity issues that influence prospects for peace, democracy, and development.

“The fact-finding missions showed us that civil society and the private sector are not being heard,” says Edith Kibalama, the center’s executive director. “With political union slated as early as 2012, the EAC has a long way to go in becoming a truly inclusive institution that issues of takes citizenship and identity seriously.”



**Edith Kibalama, executive director of Kituo Cha Katiba, and Maria Nassali, one of her predecessors. They went on a series of fact-finding missions to assess public perceptions of the EAC and gauge its receptivity to the needs and rights of ordinary citizens.**

### Background

Kituo Cha Katiba (Kiswahili for “constitution center”) was established in 1997 to promote dialogue and action on constitutionalism, good governance, and democratic development in East Africa. With a staff of six, plus a growing network of scholars and practitioners, it has built a reputation for conducting groundbreaking research and advocacy on cross-border groups in the region as well as emerging notions of East African citizenship and identity.

The center’s work has gained further resonance with the reemergence of the EAC, a nascent effort to strengthen economic, social, and political ties among

Kenya, Tanzania, and Uganda (and eventually Burundi and Rwanda). Given their geographic proximity, cultural and linguistic affinities, shared colonial history, and longstanding trading patterns, advocates say, these countries stand to enjoy greater peace and prosperity by tying their fates more closely together.

The idea is not altogether new, but earlier attempts to integrate the region fell disappointingly short. The original EAC, which was launched in 1967, disbanded just 10 years later, reversing efforts to harmonize policies related to travel, telecommunications, higher education, industrial research, mail, meteorology, and customs and excise mechanisms. Legal scholars like Khoti Kamanga and Jean Lubega-Kyazze attribute its collapse to flagging political will, limited participation of the private sector and civil society, inequitable fiscal redistribution of gains, trade imbalances, currency system disharmony, and constitutional impediments.

The new EAC hopes to avoid those pitfalls. The 1999 treaty that paved the way for its rebirth explicitly calls for “people-centered economic, political, social, and cultural development on the basis of balance, equity, and mutual benefit of the member states.” The heads of state reiterated this point as recently as May 2005, when they noted that a strong federation was possible only if it was owned by the people of East Africa themselves and fostered effective and informed participation from start to finish. Yet meaningful opportunities to do so remain elusive.

### **Strategies**

Inspired by a TrustAfrica workshop and backed by a subsequent grant, Kituo launched a new initiative in 2004 to promote the implementation of a rights-sensitive approach to citizenship and identity issues in the region. It began with a concept paper by Joe Oloka-Onyango, a scholar and human rights activist who has served as dean of the law school at Makerere University. The paper, presented at a Kituo workshop in Nairobi, provided a comprehensive framework for approaching these critical issues in East Africa. In particular, it reflected on ways that gender, ethnicity, and religion limit access to land and water resources as well as services like public health care. It also underscored the need to safeguard the rights of marginalized groups, from migrants, refugees, and internally displaced persons to pastoralists, fisher folk, forest peoples, students, and cross-border traders. Kituo then commissioned a set of case studies to outline the constitutional, legal, and policy structures that different countries in the region use to address issues of citizenship, identity, and inclusion.

Building on this work, Kituo orchestrated on a series of fact-finding missions to Kenya, the Tanzanian mainland, Zanzibar, Uganda, and finally the EAC headquarters in Arusha. A team of eight experts led by Rev. John Mary Waliggo, a historian who sits on the Uganda Human Rights Commission, set out to subject the principle of people-centered cooperation to critical scrutiny and assess the EAC's willingness and ability to respond to the needs and rights of citizens. In confidential, open-ended interviews, a broad spectrum of stakeholders expressed their hopes, fears, and expectations of the EAC; described their knowledge of, and involvement in, its activities; and shared their perceptions of its openness to public input.

Because time constraints compelled the missions to focus on urban centers, Kituo commissioned additional research on creative initiatives by East African citizens to advance the processes of regional integration and safeguard their fundamental democratic rights. Through a literature review and field research, the center documented promising activities in such areas as cross-border trade and transport; regional music festivals and sporting events; university enrolment (particularly in Uganda, which attracts many Kenyan and Tanzanian students); and a newspaper, a radio station, and a television network serving the whole of East Africa. “We were interested in finding out how marginalized cross-border groups are dealing with threats and constraints that impede their rights,” says Nassali, who was Kituo's executive director from 1999 to 2005 and who is now pursuing a doctorate in human rights and governance at the University of Pretoria in South Africa. “For many of them, regional identity is not a hypothetical issue but a daily way of life.”

## Results

Kituo's new line of work on citizenship and identity issues has generated valuable insights on the development of the EAC and its potential to avoid repeating the fate of its failed precursor. What's more, the center's impact reaches beyond East Africa. By sharing its strategies and experiences with peer organizations like the Center for Policy Studies in Johannesburg, for example, Kituo is helping to enhance the role of civil society within the Southern African Development Community.

The center's fact-finding missions found abundant interest in the EAC. Many of those interviewed envisioned the regional body as serving as a promoter of human rights, an engine for economic growth and better livelihoods, an advocate for improved social and welfare services, and a resource for resolving political impasses. Yet the missions also found that the EAC is still not visible in the lives of the ordinary people. Despite the introduction of an East African passport, borders remain solidly in place, repatriations remain all too common, and cross-border trade is still problematic. Efforts to coordinate the management of natural resources have also been slow to take root; for instance, the countries bordering Lake Victoria have yet to harmonize their rules and regulations governing its use in fishing and transport.

The center reported its findings at a dissemination workshop in Arusha in October 2005, which was officially opened by the EAC's Secretary General, Hon. Nuwe Amanya Mushega. Its key recommendations included improving the flow of information between the EAC and the general public; harmonizing immigration laws and expediting the introduction of an East African identity card; ratifying plans for a common market, which would allow freer movement of people, labor, and services; and letting the general public decide, through open dialogue and national referenda, what level of political federation to pursue.

Kituo also urged the EAC to relax its requirements for nongovernmental organizations seeking observer status at its headquarters in Arusha—its chief mechanism for engaging with civil society. Currently, NGOs must be registered in all three countries to be eligible, ruling out many deserving local and national groups. Moreover, the application process is so cumbersome that only Kituo and three other organizations have gained observer status. Consequently, civil society has little voice in making policies at the EAC or developing the tools and mechanisms to implement them.

Civil society must take the lead in fostering awareness of the EAC's laws, activities, and plans among all stakeholders in the region, the center argues. Moreover, in keeping with Article 127 of the EAC Treaty, NGOs should fully embrace their responsibility to monitor developments at the EAC as well as to make proposals for improving the EAC. "Civil society has a big role to play in making the EAC people-centered," says Kibalama. "It must continuously lobby national governments to ensure that the principle of people-centeredness is entrenched in national constitutions, and it must lobby the EAC to review its rules for observers." Only then, she adds, can the EAC effectively address the needs and aspirations of the region's 100 million inhabitants—including small-scale merchants like Kaniaru, fisher folk like those Maembe advises on Lake Victoria, and poor women and children seeking legal aid from advocates like Peter.

## Resources

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[Citizenship and Identity Struggles in East Africa: Towards More Inclusive Policies and Practices](#)  
(a comprehensive report on the fact-finding missions), November 2005.