9. Conclusions & Outlook

Set in the context of multiple, overlapping and sometimes competing African Regional Economic Communities (RECs), this study contributes to the dearth of political science literature on Africa's international courts (ICs) broadly perceived, and, specifically, its regional courts. Through a case study of the region's most vibrant judicial organ, the East African Court of Justice (EACJ), this investigation advanced our knowledge of ICs outside of the "usual suspects" of inquiry, going beyond the typical scholarly engagement with Europe and the Global North to centre courts in the Global South. The work builds upon previous scholarship on these courts, which has emerged in response to the backlash against international courts (ICs) due to the increasing judicialisation of politics and the emerging forms of resistance to political interference. It moves beyond institutional mimicry and foregrounds the actors behind these interventions.

The study also went beyond state-centric accounts of explaining international adjudication and, in its place, offered an analysis of the ever-evolving and dynamic pathways to judicial empowerment in Africa's transnational relations. As *Chapter Two* argued, dominant theorisations around African REC courts have tended to treat them as sites of legal norm imitation rather than innovators, resistors and, at times, disruptors of international legal regimes. This study views African REC courts as *innovators* who are active agents in creating a supranational judicial body, albeit operating within less than favourable political, economic and cultural conditions. *Culturally,* the tradition of strong executive branches, weak judiciaries, and citizens who share a deep post-colonial distrust of external interference poses a threat to judicial intervention. *Politically,* the study has highlighted that the court's role and place in the EAC institutional structure have not been fully appreciated. Strong executives pose the threat of sanctioning judges if they were to issue regime-defying judicial interventions, as seen in the court's pioneer controversial case. The threats to judicial autonomy, coupled with a lack of mechanisms to enforce the court's rulings, leave the EACJ vulnerable to executive interference. *Economically*, the East African Community is struggling to fund its organs owing to insufficient, delayed or even missed remittances from its constituent partner states. The Community's judicial arm has suffered a backlog and postponement of its already limited

sessions. At the time of writing, the EACJ was significantly affected by this funding limitation.[783]

Thus, the question of judicial resistance and dynamic empowerment in a REC setting remains ever more pertinent. Formally, the REC courts are the guardians of the regional integration agenda as stipulated in the REC Treaties. Therefore, they are *potential* drivers of regional integration. However, judges operate within the confines of the REC body and interact with multiple authoritative decision-makers and varied audiences throughout their work. Judges are citizens of their home countries – often still in service in a national function – who are proposed to the bench by their home governments. They become critical supranational decision-makers as part of the REC bench collective unit, working across intertwined levels of governance that link the member states and the regional governance level through both adjudicative and non-adjudicative processes.

Prevailing explanations of African ICs have been rooted in rational choice theorisations drawn from the experience of the Court of Justice of the European Union (CJEU). Such accounts are premised on rationalist state-centric narratives that emphasise state power and the utilitarian and regulatory function of ICs. Although these theories can explain the creation, proliferation and authority of ICs, they have usually favoured state-driven compliance processes as a measure of performance, understating the role of judicial actors in forging autonomy despite an apparent lack of authority. Rationalistic-leaning explanations of why ICs struggle with asserting their authority tend to perceive state-driven compliance processes as the core explanatory factor, even though questions linger about how freely IC judges can interpret the law and issue binding judgements without risking improper and unwarranted interference. This work highlights why, despite lacking a robust network of supporters, the East African Court of Justice (EACJ) has grown its jurisprudence, resisted backlash, and become an avenue for political mobilisation, defying rationalist expectations. Rather than emphasise compliance and effectiveness, which inevitably paints a singular, unflattering picture of IC power in Africa – that it is non-existent – this study sought alternative explanations for why African REC courts take on politically salient cases and check their appointing governments, despite all the foreseeable risks involved in upsetting the power holders. Likewise, it

783 Christine Mutimura. 2024. "Notice to the public regarding cancellation of June 2024 court sessions." May 27, Arusha, Tanzania. https://www.eacj.org/?news=notice-to-the-public-regarding-cancellation-of-june-2024-court-session (Accessed August 1, 2024).

explored when and why regional judges may choose to defer to appointing member states. Thus, it matters to know *who* these individuals are and *how* they conduct their work in such peculiar circumstances. As such, this study offers a unique window into the contemporary transformations of international relations and transnational practices through the lens of regional judges as savvy political actors.

My study contributes to the understanding of international courts by employing an interdisciplinary perspective to study regional integration courts in Africa. Going by the premise that Africa does not exist in an ideological, institutional, social, political and historical vacuum, the study drew on dominant theorisations from relevant disciplinary backgrounds to investigate the real additive value of RECs in Africa creating judicial institutions. Specifically, the work adopts a relational perspective in analysing ICs, which merges insights from critical socio-legal approaches drawn from international court scholarship with those on judicial empowerment in African judicial politics to provide much-needed explanations and empirical observations that can further refine theoretical arguments in judicial politics broadly. Bringing these debates into conversation highlights the context and long-term progress of court decisions, the court's relations with various stakeholders, and how courts may be used as sites of resistance to generate alternative ways of investigating African ICs (Gathii 2020b, 13–14). Building on these foundations, this study advances the idea that, despite eliciting an immense backlash, the EACJ was not only an agent of EAC partner states. The REC court has not become an extension of state coercive power, but it has dared to challenge authoritarian states, among other audacious and bold moves in its already extensive docket.

Moreover, in the context of African national courts, Ellett reminds us to shift our focus from " negative conceptualisations of independence towards a positive concept of judicial empowerment" (Ellett 2019, 150). Extending this conceptual shift to African REC courts, a positive judicial empowerment approach would entail shifting the focus away from the political and institutional conditions that encroach on their autonomy and hamper compliance towards a *positive* outlook on the actors' agency. It foregrounds the judges themselves and seeks to explain *how* and *when* they decide to rule against appointing governments and how they mobilise to resist interference. Therefore, in line with Piana (2020), to understand the power of African REC courts, this study not only tackles the structural-institutional challenges that impact judicial empowerment (*Chapter Four*) but also delves into, and centres, judicial agency. The agency dimension fore-

grounds that judges are proactive and creative proponents in constructing their power, highlighting the role of judicial support networks rather than the state's reactions to the rulings. Thus, the agency dimension comprises the bulk of the empirical sections (Chapters Five through Seven).

Correspondingly, this approach privileges the stance of the less visible but central actors who hold the potential to drive or hamper processes of regional integration on the continent, complementing the existing legal accounts of the role of RECs in promoting regional integration in Africa. By asking new questions about the roles played by judges and other relevant groups at the national and regional levels, right from the appointments of regional judges at the national level to their off-bench activities, this work intends to offer a better understanding of the connection between judicial processes at the REC level and the overall aim of regional integration by emphasising the agency of the actors and arguing that judicial processes are complex social and political endeavours. Methodologically, the study advances discussions on researching "up" by taking informal encounters and observations in the field seriously (Kisakye 2023; 2024). It illustrates the necessity of adapting the research process to context-specificity.

9.1 Main Findings

Unlike national courts, which enjoy legitimacy by virtue of their set-up within the national hierarchy, REC courts are relatively new structures positioned in the awkward position of being neither regional appellate courts nor appreciated as authoritative institutions of the REC body. Despite having the formal mandate to oversee REC Treaty agreements and the delegated authority to check Treaty violations by the partner states, REC courts' authority and power remain contested and are still being negotiated. Accordingly, REC judges are under much pressure to build their own constituency, grow their audiences, and socialise citizens into legal norms so that they can access the court regularly.

The study finds that the pioneer bench is hailed as being bold because it came closest to the idealised notion of judges as agents of regional integration. In their on-bench decision-making practices, pioneer judges demonstrated that REC judges can act as critical *players in integration politics* by deciding independently, purposefully and expansively on issues that will positively steer and influence the course of regional integration. Their earliest decisions advanced political integration through the stream-

lining of EAC institutions and organs, as exhibited in the electoral disputes governing the assent of regional politicians to the East African Legislative Assembly (EALA). The first cohort also successfully intervened in regional human rights violations to become an arbiter in good governance and rule of law issues in the region. Rather than adhering strictly to the letter of the law, the bench imposed checks on member state sovereignty through an expansive interpretation of the Treaty, while catering to the needs of the REC body.

At the time, the revamped EAC integration agenda was looked upon favourably and hopefully by regional community heads, national executives, civil society, donors and the international community. As the study explains, this regional integration optimism was reflected in the pioneer judicial appointments, where trusted members of the judiciary were selected primarily because of their reputation or professional norms as trusted representatives of their country. The first set of judges was lauded not only for being legally sound but also for being attuned to regional integration dynamics. The pioneer bench highlights that the REC court's intervention mirrors the *status*, *perception*, and *progress* of the region's integration process. While the court was perceived sympathetically in the first six years, the advent of controversial, regime-threatening jurisprudence set off alarm bells within the EAC Heads of State, who hastily amended the rules of judicial service, restricted access for private litigants, and even created an appellate division to curb judicial activism.

By the second bench, judicial boldness and activism were clouded by the strategic practice of *judicial diplomacy*. As litigants pushed the court to exercise its judicial muscle, and as pushback and backlash accrued, judges began to strike a balance between meeting the needs of the regional integration agenda and avoiding confrontation with executive sovereigns whilst protecting the bench's legitimacy. By expanding the concept of judicial diplomacy beyond international judges engaging in off-bench activities for legitimation purposes (Squatrito 2021), this study argued for a broader understanding of the term to encompass judicial decision-making practices. In this work, judges are perceived as politically savvy actors who employ different sets of resistance strategies – both on and off-bench – to avert, quash, or concede interference from political actors through pushback and backlash. Investigating how REC judges prevent pushback and backlash was raised in the first research question in the study.

The study argues that investigating the strategic space and judicial diplomacy in the EACJ broadens our understanding of the complex, multi-

faceted relational dynamics of the adjudication process in regional settings. *EACJ judges act as legal mediators* in the regional integration agenda, as exhibited by their exercise of caution in decision-making. Judges display a measured amount of legal and diplomatic skills with which they carefully balance legal principles with political sensitivity towards EAC partner states. Legal mediation entails heightened cautiousness and restraint in judicial decision-making as judges grapple with their legitimacy amidst looming threats to judicial independence.

Consequently, *EAC law serves as a negotiation tool* to uphold regional integration agreements and spur integration efforts. Judges exercise caution in their interpretation and application of regional law in relation to the realities of the EAC, rather than being strict legal norm interpreters, where they delicately weigh the magnitude of the social, economic and political repercussions of their decisions to the REC body and assess the likelihood and plausibility of enforceability. The study posits that judges generally take on the role of negotiator between aggrieved litigants and the partner states, wherein they perceive their role not only as adjudicative but as diplomatic representatives of the REC body. The dominant theme, as exhibited by the newly created appellate chamber, has been the exercise of *restrained activism,* both as an indicator of the desire to safeguard the REC institution and to forge its autonomy amidst deference to the appointing member state governments.

As stated earlier, judges only serve for a seven-year non-renewable period and on an ad-hoc basis. Furthermore, judges cannot enforce their decisions to expressively constrain governments from violating their supranational and national obligations. This complex dynamic presents a mixed bag of the effects of the construction of judicial power in the East African court. Judges may wish to safeguard the REC institution and, by extension, the REC body whilst advancing citizens' rights and daring to break new ground in an ever-changing regional integration landscape. However, the short judicial tenure, which does not relieve one of their domestic duties and allegiances, may create opportunistic strategic rationales. As such, successive benches have employed short-term opportunistic strategies to forge power amidst the numerous threats to their autonomy.

By the third bench, judicial leaders were outspokenly claiming the term "judicial diplomacy" as a guiding tool during their tenure. With those considerations, REC judges perceive their *role as relational* to their colleagues, partner states, court users and the international legal complex. Relationality with colleagues resulted from EAC judges' cognisance of the political limits

on their authority, which have tended to draw on each other (and the registrar) for strength in times of crisis, such as in the initial backlash debacle. As such, they have informally arranged to issue decisions by consensus and formally recorded politically induced intimidations and threats to their independence as a shield to each other and the institution. Judges generally devise ways to create an atmosphere of judicial collegiality whenever the ad-hoc court is scheduled to sit, in a bid to create a shared sense of belonging to the bench and to learn, strengthen and liaise against any outside pressures that may be directed at them.

Additionally, to minimise backlash, judges behave relationally to partner states when they employ tactics of avoidance when intervening in politically salient affairs. Through the strict application of the two-month statute of limitations, judges have been accused of crippling access to justice, weakening the legitimacy of the bench and playing to the advantage of partner state governments rather than checking them for breaches of Community law. Judges walk a tightrope between judicial deference to partner state executives – who still employ them at home – and judicial activism as set by predecessors in a bid to build legitimacy for the REC body. On the other hand, REC courts have the additional burden of establishing their legitimacy as newer institutions, even though they possess greater agency and autonomy by virtue of being removed from the everyday political realities and empowered by broader REC Treaty provisions. In that sense, this study raised new questions, built upon the literature on socialisation to international courts (De Silva 2018b; Squatrito 2021), by moving beyond legitimisation concerns to encompass the issue of forging judicial power through tactful resistance or avoidance. REC judges go off-bench and engage in judicial diplomacy – purposively and strategically – to create a safety net for the judicial organ and protect existing judicial autonomy. These off-bench activities with the various judicial allies (political, in the legal complex, national and regional judiciaries, the media, development partners and the academy) aim to cultivate legitimacy and build influential networks.

By engaging *off-bench activities as overt empowerment tools* rather than mere legitimation strategies, the study advances debates on judicial off-bench relations outside the courtroom, which inform, propel and, at times, undermine judicial independence. These non-judicial activities substantiate judicial resourcefulness and creativity, showing that judges are savvy political actors and judicial diplomats. Through off-bench activities, EACJ judges have,directly and indirectly, engaged with audiences to mitigate

political interference. They have engaged in strategic dialogue with EAC stakeholders to seek their support in strengthening the court. Through issuing written or verbal statements, engaging in critical academic writing and scholarly discussions, judges have highlighted areas of interference, formally recorded attacks and kept official records of these occurrences to prevent future backlash or resist it. Judges also mobilise support within the legal complex, the academy, the media, development partners and even political allegiances to resist interference. Research question two explored how these extra-judicial relations enable judges to navigate the strategic space.

In turn, judicial allies have helped raise awareness of the court's mandate amongst its potential users, engaged in court publicity, and socialised potential users in the court's mandate. They have also enriched jurisprudence through litigation, fact-finding and evidence assistance by appearing as amici. To protect the court against undue interference and seek transparency in judicial appointments to secure the institutionalisation of the court. They also interceded in jurisdictional limitations and are assisting it in cultivating compliance with its rulings, amidst negotiating and lobbying for political and financial support with relevant politicians and officials, both nationally and regionally.

Perceiving judges as *regional diplomats* whose assignments at the REC body *ought to* go beyond and above their nationalities, judges become creative proponents of their autonomy, strategising to build the profile and legitimacy of the court while issuing authoritative decisions. The study concedes that judges have personal motivations for straying from this ideal and that their double agency – which emanates from serving on an ad hoc basis whilst in active public or judicial service in their member states – creates tension between the idealised notion of judges as agents of regional integration and the lived reality of judging across borders. In sum, it highlights *how* judges operating outside the expectations of popular IR theory build support networks in a hostile political climate and, consequently, shines a light on *how* those alliances become useful in constructing judicial empowerment.

9.2 Lessons and Implications for Research and Policy

Drawing lessons from the findings in this study, we can extrapolate and infer whether similarly positioned REC courts could engender comparable

results. As argued in the case of the EACJ, the resilience and political relevance of REC courts mirror the individual judicial motivations, ambitions and aspirations coupled with the status, perception, and progress of the REC bloc. Moreover, the discrepancies in the court's interventions are also rooted in inconsistencies in regional integration. This finding explains why the COMESA Court of Justice has remained operational, albeit politically restrained. From this study, we can deduce that this is a reflection of the character of engagement of the member states and their preferences towards the REC court. Because the COMESA bloc does not have politically high stakes in its regional integration agenda, such as a political federation, but is predominantly an economically oriented body, this attitude has permeated its organs. Moreover, COMESA judges also perceive their role as simply economically oriented and, thus, have avoided any politically charged jurisprudence. Unlike the EACJ, which has claimed human rights authority by repurposing existing legal tools and is now issuing landmark rulings in regional trade, the COMESA court has remained reserved and politically restrained. It has not dared to exceed its jurisdictional limitations or engage in overt off-bench diplomacy to grow its constituencies. Likewise, individual judges have not been as daring or concerned with growing a politically relevant court.

In the same manner, the absence of such explicit judicial tactics of avoidance sheds light on why the SADC Tribunal succumbed to the interests of a powerful state and could not be saved. While the SADC Tribunal judges were expansive in their interpretation of human rights, they lacked the fortune of learning effects, given that the court was dissolved shortly after its first contentious case. The EACJ has thrived despite initial backlash because it has achieved maturity and evolution through various benches, which have learned to devise specific means of fending off interference, including avoidance tactics where politically contentious issues are raised. The ECOWAS court, on the other hand, did not need to craftily forge a human rights competence because member states had expressly given the court jurisdiction to review and remedy human rights violations. The court, therefore, has not had to fight to assert itself in this area; instead, it has gone on to adjudicate issues of high political salience, many of which are closely tied to the status, perception, and progress of the REC bloc. At the time, the ECOWAS community was stronger as a bloc. This occured before the exit of three member states in early 2024 due to political tensions and a lack of solidarity in the REC bloc. As the regional bloc starts to weaken, so does the REC court. Amidst strained resources, the ECOWAS court is already

facing difficulties with judicial appointments and forging legitimacy within a fragmented political environment. Thus, the study recommends assessing the judicial organs of RECs within the context, perception and progress of the REC bloc.

Future work interested in judical agency and the empowerment of African sub-regional and regional courts could build on this study's approach in several ways. Firstly, this study focused on judges and their key allies (mostly other elites) and left aside questions about how EAC citizens interact with and relate to the court, especially concerning how they perceive the court's decision-making and its place in regional integration politics. Although this was outside the scope of this study, it appears to be a worthwhile area for future research to explore.

Likewise, the study analysed the entire universe of cases the EACJ has handled and linked it to judicial empowerment and broader issues in regional integration politics. Similar considerations could be made in other sub-regional courts on the continent to expand the literature on these courts in nuanced ways. Equally, I laid the foundation to further develop emerging concepts, which I could not delve deeper into, as they were beyond the scope of the study. These could be explored and broadened. The study was not preoccupied with compliance but proposed the concept of "silent compliance" by partner states. Its implications for assessing court legitimacy and authority, as well as how relevant actors go about achieving compliance in practice, are promising. Additionally, while it was outside of the scope of this study, the impact that donors and other development actors have on swaying the court's agenda and developments warrants closer qualitative research. Broader and lingering issues, such as mistrust of judicial structures and perhaps a decolonial approach to African REC courts, which could engage with issues of citizen alienation by international legal norms, seem to be fruitful areas for further comparative empirical research on African judicial institutions. Future researchers from various disciplinary perspectives, including political science, law, sociology, and anthropology, could further investigate these aspects.

Lastly, what does it mean for an economically constrained EAC bloc and the future trajectory of the regional court that the region continues to grow geographically? The EACJ would need to appoint more judges in the new member countries, establish sub-registries, and navigate hurdles similar to those already encountered in the original member states. I am, however, guarded about making hopeful predictions for the court's future. The study highlighted limitations in funding to the REC judicial organ and examined

the opaque practices in judicial appointment procedures for the EACJ. Perhaps framing formal rules to govern the selection practices of regional judges would be a significant first step in ensuring transparency, citizen participation and judicial ownership of the REC court. Likewise, the practice of appointing sitting judges – who suffer from the earlier-mentioned double agency – ought to be reconsidered by the national selectors and appointers. The regional bloc does not have a shortage of well-versed lawyers who may be less attached to their governments, possess more time and have the drive to spur the regional integration agenda forward. Moreover, knowledge of EAC law could be enhanced in the region. The study finds that training on regional integration law and integration processes remains minimal, with only a few specialised training institutes catering to it, which affects lawyers' participation, as only a few specialised lawyers engage with the court.

In the bargain, the REC court lacks the support of national courts. Unlike its European counterpart, the CJEU, which was built on preliminary reference procedures emerging from member states (Cuyvers 2017), the EAC has not had the same luck as national courts, which have hardly sought its counsel. Moreover, the Kenyan Supreme Court's recent advisory opinion – in which it challenged the authority of the EACJ – has set a dangerous precedent for the regional court.[784] During fieldwork for this project, throughout the analysis and write-up of this study, I was charged with optimism about the trajectory and future of the East African Court of Justice (EACJ). It is rather disheartening to see the "supremacy battle"[785] between national apex courts and the EACJ play out in the courtroom instead of the two working together to advance the regional rule of law.

Nevertheless, despite the unfavourable structural and institutional realities, the EACJ has mobilised, as shown in previous chapters. As one judge reckons, "*the court has been the most functional part of the EAC*."[786] This proclamation carries some weight, given the resilience of the EAC judicial arm. It survived the initial backlash that threatened to instigate its untimely demise. The EACJ embraced megapolitical cases that were too politically

784 *Attorney General (On Behalf of the National Government) v Karua* (Reference E001 of 2022) [2024] KESC 21 (KLR) (31 May 2024) (Advisory Opinion). https://kenyalaw.org/caselaw/cases/view/290499/.

785 Harrison Mbori. 2024. "Hidden in plain sight: Kenyan Supreme Court Shooting its own Foot on Merits Review and Appellate Jurisdiction in Continuing Supremacy Battle with the East Africa Court of Justice (EACJ)." *AfronomicsLaw*, June 3. https://www.afronomicslaw.org/category/analysis/hidden-plain-sight-kenyan-supreme-court-shooting-its-own-foot-merits-review-and.

786 Online Interview, Third bench judge, Geoffrey Kiryabwire, June 18, 2020.

volatile at the national level, assumed a role as a human rights adjudicator despite the lack of express mandate and is even veering into environmental and economic-related jurisprudence – with some success – amidst constant pushback, financial constraints and opaque judicial appointments. However, as previous chapters have asserted, the court can only act as far as its constituencies support it – its broader intervention requires robust engagement by citizens, politicians and civil society. It has relied on civil society actors and private litigants to grow its jurisprudence and assert itself in regional integration processes. The imminent issue is that civil society remains primarily externally donor-funded, which poses the risk that their interventions are dictated and steered by shifts in donor policies and the availability of funds, potentially slowing down the rising momentum in some of these interventions. On the other hand, in most EAC states, leaders deliberately try to shrink civic space and use subtle signals to caution judges from overstepping their mandate.

Moreover, the understated role of the judiciary in governance, democratic building and the rule of law is not unique to Africa. We are seeing an intense wave of resistance to the authority of supranational judicial institutions sweeping across the globe. In the past two decades, states worldwide have gone to extreme lengths to constrain international courts (IC) as realised in the Court of Justice of the European Union (Alter 2000; Dyevre 2016), the European Court of Human Rights (Madsen 2016; 2020), the Inter-American Court of Human Rights (Helfer 2002); and the Central American Court of Justice (Caserta 2017a), to name a few. Some have even rescinded their jurisdiction – such as Britain's withdrawal from the jurisdiction of the CJEU (Simoncini and Martinico 2021) – or politicised appointments to quash independence (Shaffer, Elsig, and Puig 2016). In the African context, scholars have noted that the relatively small size of RECs, coupled with the tradition of strong executive branches and weak judiciaries (Alter, Gathii, and Helfer 2016), places REC courts in a predicament.

Consequently, we must engage Africa's REC courts to shed light on international systems of governance, especially in newer and less democratic settings. African REC courts are vulnerable to political pressures, like their national counterparts. However, without enjoying the legitimacy and institutional cushions of the latter, and as such, they deserve to be analysed in their own right and not just as regional replicas of domestic courts. Rather than see their job as strict interpretation and application of regional legal norms, judges on these courts perceive themselves – and behave – as

agents of regional integration rather than as mere implementers of regional law.

Relatedly, REC judges employ regional law as a negotiation tool to resolve regional integration conflicts through judicial legal mediation, thereby upholding REC agreements and promoting integration efforts. In this sense, REC judges perceive their role as relational – to their colleagues, appointing states and the international legal complex – making them *regional legal mediators* and *judicial diplomats*, whose immediate concern is furthering the regional integration agenda. This is not to minimise the impact of regional law *per se,* but to highlight the extra-judicial role of judges in the articulation and support of regional integration initiatives. Overall, this study argues that we cannot fully understand the processes of African integration unless we account for the judicial organs, whose vital role is usually glossed over in scholarly engagements.

Judicial empowerment at the EACJ reflects the individual judicial motivations, ambitions, and aspirations, as well as the status, perception, and progress of the REC bloc. Moreover, the discrepancies in the court's interventions are also rooted in inconsistencies in regional integration. The EAC promises a people-centred integration but remains a leadership-driven project. The region prides itself on shared histories, peoples, and shared visions of *East-Africanness*. Amidst the ever-expanding EAC territories, what regional similarities or collective destiny does the region *still share* that could spur on the regional economic and political project? If the integration project remains top-down, led by Heads of State whose commitments shift with the urgency of national political agendas (for instance, upholding national borders in a time of shared crisis), it is not only the EACJ that remains in limbo, but the entire integration project, especially the ambitious political federation scheme.