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REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE OVERSIGHT
ACTIVITY TO ASSESS THE LEVEL OF PREPAREDNESS OF PARTNER STATES IN
THE MANAGEMENT OF EBOLA AND DENGUE FEVER EPIDEMICS

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 10 MAR 2020	DAY: TUESDAY
TABLED BY: Hon. Duale Aden Leader of the majority party	
BY: Lemmus Moses	

Clerk's Chambers
EALA Headquarters, 3rd Floor
EAC Headquarters
Arusha – TANZANIA

2nd October 2019

ACRONYMS

AFENET	AFRICA FIELD EPIDEMIOLOGY NETWORK
BTNIM	BERNHARD –NOCHT INSTITUTE FOR TROPICAL MEDICINE
CDC	CENTERS FOR DISEASE CONTROL AND PREVENTION
DFID	DEVELOPMENT FOR INTERNATIONAL DEVELOPMENT
DRC	DEMOCRATIC REPUBLIC OF CONGO
EAC	EAST AFRICAN COMMUNITY
EALA	EAST AFRICAN LEGISLATIVE ASSEMBLY
ECHO	EUROPEAN CIVIL PROTECTION AND HUMANITARIAN AID OPERATIONS
EVD	EBOLA VIRUS DISEASE
GAVI	GLOBAL ALLIANCE FOR VACCINES AND IMMUNISATIONS
IHR	INTERNATIONAL HEALTH REGULATION
IOM	INTERNATIONAL ORGANISATION OF
IPC	INTER-PROCESS COMMUNICATION
IRC	INTERNATIONAL RESCUE COMMITTEE
JEE	JOINT EXTERNAL EVALUATION
MINEMA	MINISTRY OF EMERGENCY MANAGEMENT
MSF	MEDECINS SANS FRONTIERE
NAPHS	NATIONAL ACTION PLANS FOR HEALTH SECURITY
NGO	NON-GOVERNMENTAL ORGANISATION
OH	ONE HEALTH
PHEIC	PUBLIC HEALTH EMERGENCY OF INTERNATIONAL CONCERN
PPE	PERSONAL PROTECTIVE EQUIPMENT
RDTs	RAPID DIAGNOSTIC TEST
SOP	STANDARD OPERATING PROCEDURE
UNDP	UNITED NATIONS DEVELOPMENT PROGRAM
UNFPA	UNITED NATIONS FOR MIGRATION
UNHCR	UNITED NATIONS HIGH COMMISSION FOR REFUGEES
UNICEF	UNITED NATIONS CHILDRENS FUND
URCS	UGANDA RED CROSS SOCIETY
USAID	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
UVRI	UGANDA VIRUS RESEARCH INSTITUTE
WFP	WORLD FOOD PROGRAM
WHO	WORLD HEALTH ORGANISATION

1.0 INTRODUCTION

The East African Legislative Assembly (EALA) is one of the Organs of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community. The Treaty bestows upon the Assembly three cardinal functions: legislation, oversight and representation. In particular, the Assembly largely exercises the oversight function through its Committees. The Committee on General Purpose is one of the six (6) Standing Committees of the East African Legislative Assembly (EALA) that is specifically charged with among other, matters related to health, education, gender, population and the budget.

Annex 5 (f) of the Rules of Procedure of the Assembly provides for the specific functions of the Committee on General Purpose which include but are not limited to, oversight of the work of the EAC and Sectoral Committees emanating from the following provisions of the Treaty; though not restricted or limited to them-

- a) Chapter Sixteen – Co-operation in the Development of Human Resources , science and Technology
- b) Chapter Twenty One –Health, Social and Cultural Activities.
- c) Chapter Twenty Two – Enhancing the Role of Women in Socio-Economic Development; and
- d) the budgeting function

In the exercise of its oversight mandate, the Committee on General Purpose visited and interacted with a number of stakeholders in the Republics of Rwanda and Uganda from 13th – 15th September, 2019 to assess the level of preparedness of EAC Partner States in Management of Ebola epidemic. The Committee was also scheduled to visit the United Republic of Tanzania to assess their level of prepared in the management of dengue fever, but in his letter dated 13th September 2019, Dr. Faraj K. Mnyepe, the Permanent Secretary, Ministry of Foreign Affairs and East African Co-operation communicated to the Clerk of the Assembly about the indefinite postponement of the said meeting (**Annex 1**).

2.0 OBJECTIVES OF THE OVERSIGHT ACTIVITY

The principal objective of conducting this oversight activity was to assess the level of preparedness of the EAC Partner States in mananaging/containing the Ebola and dengue fever epedemics, and to explore possible sustainable interventions to combat these epidemics. It was expected that, during this activity the Committee would:

- a) be briefed about the history of the Ebola and dengue epidemics/pandemic and the progress made in controlling/managing the same;
- b) the challenges faced in the management/containment of the these epidemics;
- c) ascertain if there is any specific bilateral or international engagements/interventions to combat the epidemics;
- d) find out the impact/effect of the said epidemics on the economies and welfare of the citizens of EAC; and
- e) in collaboration with the stakeholders, explore possible sustainable mechanisms/interventions to combat these epidemics.

3.0 METHODOLOGY

While undertaking the oversight activity, the Committee:

- i. held meetings with officials from the Ministry responsible for EAC Affairs, , the Ministry of Health, World Health Organization, Directorate of Immigration, Ministry of Emergency Management, Rwanda NGOs Forum and Rwanda Broadcasting Agency and Members of Parliament on the Committee on Health;
- ii. interfaced with officials from the East African Community Secretariat – Department of Health; and
- iii. prepared a report on the above subject matter for consideration by the Assembly.

4.0 BACKGROUND INFORMATION

Under to Article 117 of the Treaty for the Establishment of the East African Community, Partner States made a commitment to co-operate in, among others, health activities within the Community. Precisely, under Article 118(a) of the Treaty, Partner States undertook to take joint action towards the prevention and control of communicable and non-communicable diseases and to control pandemics and epidemics of communicable and vector – borne diseases that might endanger the health and welfare of the residents of the Partner States and to co-operate in facilitating mass immunization and other public health Community campaigns.

Prior to undertaking this oversight activity, the Committee received a brief from the EAC Secretariat (Health Department) which indicated that disease outbreaks are a common occurrence in the East African Region. The brief further noted that the frequency of disease outbreaks poses a challenge to the EAC region: each Partner State has had at least two notable disease outbreaks in every five year period between 2000 and 2019. Examples of outbreaks include Rift Valley Fever, Ebola, Marburg, Crimean Congo Hemorrhagic Fevers and Yellow Fever. It took Republic of Kenya and the United Republic of Tanzania six months to contain the 2006 Rift Valley Fever (RVF) outbreaks. The region and neighboring Democratic Republic of Congo have also experienced several outbreaks of the Ebola Virus Disease (EVD). In January 2017, a Bird Flu outbreak was reported along the shores of Lutembe bay (Lake Victoria) in Uganda. In October 2017, a Marburg Fever outbreak was reported in Eastern Uganda, Kween district, close to the Kenyan border with one confirmed fatality. Recent cases of Dengue fever have been confirmed in parts of the United Republic of Tanzania such as Dar es Salaam, Arusha, Tanga, Morogoro, Lindi, and Dodoma Region. As of week 31 (week ending 4 August 2019), 28 new dengue cases were reported from Dar es Salaam and Tanga (15 cases). It is therefore important that the EAC region prepares for future outbreaks based on international best practices and lessons learned.

What is Ebola?

The Ebola Virus Disease (EVD) is a severe and often deadly disease caused by an Ebola virus. It falls under the category of viral hemorrhagic fevers. A person can get the disease by direct contact with body fluids of an infected person.

Signs and Symptoms of Ebola

The following are the signs and symptoms of Ebola: High fever, severe headache, Fatigue, Muscle pain, Sore throat, Body weakness, Diarrhea, Vomiting, Stomach pain and Bleeding from body openings.

Preventive Measures

- i. Avoid direct contact with body fluids from an infected person;
- ii. Wash hands with soap and water;
- iii. Use protective materials when handling an infected person and contaminated clothes; and
- iv. Allow safe burial of bodies by trained personnel.

Outbreak of the Ebola Virus Disease

The current outbreak of Ebola in the Eastern part of DR Congo began in August 2018 and is the biggest of the ten (10) to hit the country since 1976, when the virus was first discovered. As of 12th September 2019, the total number of confirmed Ebola cases in DRC were 2,988 and total deaths 2,077.

In July 2019, the World Health Organisation declared the Ebola outbreak in DRC a “public health emergency of international concern”, a rare designation only used for the gravest epidemics.

According to the Ministry of Health, Republic of Uganda had six (6) Ebola Outbreaks as per the table below:

HISTORY OF PREVIOUS OUTBREAKS IN UGANDA

EVD indicator (outrbreaks)	Gulu 2000	Bundibugyo 2007	Kibaale, 2012	Luwero 2011	Luwero 2012
Total confirmed cases	425	149	15	1	7
Total confirmed deaths	224	37	4	1	4

5.0 FINDINGS

5.1 Preparedness in the Management/containment of Ebola

During interaction with stakeholders in Partner States, the Committee was briefed about the specific interventions that the Republics of Rwanda and Uganda have made to manage/contain Ebola. It’s important to note that the Republics of Rwanda and Uganda have made significant strides in this regard as indicated below.

5.1.2 Republic of Rwanda

The Committee was informed by Dr. Jose Nyamusore, Division Manager, Epidemic Surveillance and Response Division, Rwanda Biometric Centre that six pillars were identified to strengthen the preparedness and readiness of response. The following are the key achievements under the six pillars:

Coordination, Leadership and Finance

- updated the Ebola virus disease strategic documents, preparedness plans standards operating procedures and the 72 hours response plan.
- established technical and financial partnership, 22,838 plus health workers trained.
- conducted 5 simulation exercises and drills.
- decentralizing Ebola preparedness in most at risk districts.
- signing DRC-Rwanda cross boarder Ebola "Feuille de route" and development of related action plan.

Risk Communication and Community Mobilization and Engagement

- Have aired the Radio EVD spots on RBA.
- conducted radio outreach mass campaigns in 10 high risk districts.
- activated the toll free 114 for Ebola questions and answers.
- fixed billboards in 8 high risk zones districts and posters in schools, markets and restaurants.

Surveillance and laboratory

- Developed and revised Ebola case definition (alert, suspect and probable case) for surveillance of EVD at ports of entries.
- Health facilities at community level.
- fever monitoring established at 37 ports of entries and at KIA with daily reporting mechanism and data analysis.
- enhanced National laboratory testing capacity to test Ebola.

Case Management, Infection Prevention and Control

- renovation of the temporary Ebola treatment center in Regerero- Rubavu.
- assessed the isolation and IPC needs IN 23 health centers located in high risk districts, establishing handwashing at 7 ports of entry: Rusizi I, Rusizi II, Bugarama, Cyanika, kabuhanga, La Corniche and poids Lourd.

Logistics (supplies and emergency transport equipment and material)

- stockpiling Ebola case management commodities at both central and peripheral level.
- acquisition of 3 ambulances for immediate community suspect case evacuation.
- acquisition of burial site.

Vaccination

- Received 3,000 vaccine doses (rvsv ZEBOV vaccine) and vaccination of for health workers front liners.

Other Interventions

The Committee was informed that the following interventions have been made through a multi-sectoral approach:

- i. The Ministry in charge of Emergency Management in conjunction with Rwanda Biometrical Center developed a Contingency Plan for Ebola Preparedness and Response.
- ii. In the Ministry, there is a National Disaster Management Committee made up of Ministers in charge of emergency who advise and coordinate relief efforts.
- iii. The National Platform for Disaster Management was established to strengthen disaster risk reduction and management's capacity and enhance preparedness and reduce risks.
- iv. The National Contingency Platform was updated to include provision of non-medical humanitarian action like shelter, hygiene, sanitation, water, food.
- v. The Republic of Rwanda in partnership with DRC gazetted 7 cross border points between Rwanda and Congo. The boarder officials take daily statistics and register the number of people coming into the country and the volume of trade.
- vi. There has been installation of hand washing facilities and awareness campaigning billboards with Ebola campaigns have been placed at the border.
- vii. Use of the existing structure in fighting HIV to sensitize people about the Ebola Virus Disease (EVD).

- viii. The World Health Organization (WHO) in collaboration with the Ministry of Health in continues to provide technical support and enhancing institutional capacity.
- ix. WHO instituted the International Health Regulations (IHR) to which all the Republic of Rwanda is a signatory. The purpose of the International Health Regulations is to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and to avoid unnecessary interference with international traffic and trade.
- x. WHO Undertook a Joint External Evaluation (JEE) to assess country's capacities to prevent, detect and rapidly respond to public health risks whether occurring naturally or due to deliberate or accidental events.
- xi. The results of the Joint External Evaluation other country-based assessments were used to guide the development of National Action Plans for Health Security (NAPHS). The NAPHS aims to address gaps in a country's health security capacity through a system that aligns to the JEE's recommendations.

5.1.2 Republic of Uganda

The Committee was informed by Dr. Allan Muruta, the EVD Incident Manager, Ministry of Health that:

- i. Uganda shares a common border with DRC in the West with 17 districts directly bordering DRC and additional 6 districts hosting refugees from Eastern DRC; the refugees are from Ebola affected areas.
- ii. High volume movements between the 2 countries for social, cultural, economic & medical reasons through official and unofficial crossing points.
- iii. The EVD Epi-centers in DRC have close proximity with Uganda; threat of importation of Ebola into Uganda remains high.
- iv. WHO categorized Uganda as priority 1 country for enhanced preparedness and readiness.
- v. In Phase 1 of Preparedness, they categorised the districts of Uganda into Risk classification: High Risk (20), Moderate risk (10) and Low Risk (Rest of the Country). Uganda has undertaken enhanced preparedness activities in 20 high & 10 moderate risk districts since August 2018 with support from development partners.

- Contact tracing of persons who might have come into contact with infected persons was immediately initiated by trained contact tracers

As an outcome of preparedness in Kasese, the outbreak was almost contained with no established local transmission.

The Committee was further informed that the Republic of Uganda developed a "Response and Preparedness Plan" whose overall objective is to contribute to the reduction of EVD related morbidity and mortality in the affected area and prevent transmission to new areas in the country.

According to the Ministry of Health, Republic of Uganda, the government has continued to receive support from Development Partners in the fight against Ebola epidemics as per the table below.

PARTNERS

SN	Thematic Area	UN Agencies
1	Coordination and Resource Mobilization	WHO, UNICEF, UNRCO, FOA, IOM, WFP, UNFPA, UNHCR, UNDP, URCS, IDI, GOAL, IRC, MSF, AFENET, DFID, USAID, ECHO, IRISH AID
2	Surveillance and laboratory	WHO, IOM (PoE), UNHCR, FAO, CDC, AFENET, URCS, DFID, USAID, IRISH AID, China CDC
3	Case management, infection prevention and control	WHO, UNICEF, MSF, IDI, USAID, Baylor
3a	Mental Health and Psychosocial support	WHO, UNICEF, IRISH AID
4	Risk Communication and Social Mobilization	UNICEF, WHO, UNHCR, IOM, C4D – OBULAMU, IRISH AID
5	Vaccination, Therapeutics	WHO, UNICEF, CDC, GAVI

6	Emergency Logistics	WFP,WHO,UNICEF,UNHCR,IRISH AID, USAID, DFID, China CDC, MSH
WASH	UNICEF, UNHCR, WHO, MSF	

5.1.4 Challenges in the Management of Ebola

The Committee was informed that the Republics of Rwanda and Uganda are faced with the following challenges in the management of the Ebola Viral Disease:

- i. Infection Prevention and Control practises and supplies in most health facilities still wanting (slow behaviour change); continued mentorship needed.
- ii. Porous points of entry; several unmanned.
- iii. Weak Community based and disease surveillance system.
- iv. Negative perceptions from DRC spreading into communities in Kasese necessitating continued intensified community engagement.
- v. Response plan largely unfunded.
- vi. Lack of infrastructure to facilitate screening.
- vii. Lack of funding of the Phase 2 Plan affecting scale up of preparedness activities.
- viii. Vaccine shortage – Not all frontline health workers in the high risk districts have been offered vaccine.

5.1.5 Regional Coordination and Initiatives

During her appearance before the Committee, Ms. Alison K. Gichohi, Capacity Building Officer, EAC Secretariat informed the Committee that the EAC Secretariat is among others, mandated to play an advisory as well as coordination role to the Partner States in the EAC region to prevent, control and mitigate the impact in case of occurrence. Accordingly, the Secretariat has implemented interventions aimed at ensuring that the region is prepared and ready to respond at any outbreak especially EVD through a number of initiatives as indicated below:

- i. The 18th Ordinary Meeting of the Sectoral Council on Health considered and approved reallocation of 550,000 Euros under the mobile Laboratory project to support the following emergency Ebola response activities in the countries (EAC/SC Health/18/Decision07):
 - a. Accelerated training of laboratory experts.
 - b. Established a training site at the EAC secretariat.
 - c. Imported 2 training mobile laboratories in the EAC region.
 - d. 12 staff were been trained and are proficient in use the mobile Laboratories. These are certified user ready to be deployed. The region now has a team of deployable experts who can use the mobile laboratories, but are also trainers.
 - e. 24 experts (4 from each partner state have been trained on the safe handling of sample use of PPE.
 - f. Have created a contingency buffer fund to buy reagents to support outbreak response in the partner states (to be requested and used on demand in case of an outbreak situation I the country).
 - g. Procurement of additional reagents and supplies including personal protective equipment for the countries.
 - h. Deployed two mobile Laboratories in the field under field condition to test readiness to deploy and ability to operate the mobile laboratories under field condition. This was in June 2019 during the cross-border field simulation exercise at the Namanga.
- ii. The EAC Secretariat reviewed the **EAC Regional Contingency Plan for Epidemics Due to Communicable Diseases, Conditions and other Events of Public Health Concern 2018 – 2023** to include the one health approach, and the **EAC One Health Regional Risk and Crisis Communication Strategy**.

- iii. For proper coordination, management and response to outbreaks in the Partner States, the following Standard Operating Procedures (SOPs) have also been developed to operationalize the contingency plan;
 - a. SOP – Cross – border Surveillance.
 - b. SOP – Logistics Management.
 - c. SOP – Reporting Emergencies and Activating EAC Emergency Response.
 - d. SOP – Establishment of a Regional Pool of Rapidly Deployable Experts in the EAC.
 - e. SOP – on the management of rumours.
- iv. The Secretariat coordinated joint cross border meeting involving the Republics of Burundi, Kenya, Rwanda, South Sudan, Uganda, the United Republic of Tanzania and the Democratic Republic of Congo. Following the WHO announcement of the Ebola Virus Disease (EVD) outbreak in North Kivu and Ituri provinces on 27th July 2018, the EAC Secretariat in collaboration with WHO, GIZ PanPrep project, the KfW financed EAC Network of Public Health Reference Laboratories and ECSA Health Community convened a regional meeting on 2nd – 3rd October 2018 in Entebbe Uganda to explore avenues for collaboration on disease surveillance and Preparedness and response between the EAC Partner States and the DRC.
- v. During the above meeting, Partner States presented updates on the levels of preparedness, they reported that the movement of people in the region increased the risk of transferring / exporting EVD to the EAC region and other parts of the world. This was compounded by the refugee influx to the EAC Partner States.
- vi. It was further noted that countries had undertaken internal and external evaluation of their national plans, and had contingency plans for outbreak response / internal assessment of their capacities, and updated and costed their contingency plans. Partner States had established coordination structures at national and subnational level with operational Teams to respond to outbreak, these had high level commitment and were meeting regularly some twice a week.
- vii. The Partner states had also put in place Rapid Response Teams and each had an Emergency Operations Center.

- viii. Countries had mapped districts / region / provinces and categorized them as high risk, medium or low risk.

5.1.6 Recommendations/undertakings of the joint cross-border meeting

During the joint cross border meeting involving the Republics of Burundi, Kenya, Rwanda, South Sudan, Uganda, the United Republic of Tanzania and the Democratic Republic of Congo that was held in Entebbe on 2nd – 3rd October 2018, the participants/countries undertook to do the following:

- i. Consider and include the use of Ebola vaccines as one of the measures used to break the chain of transmission of EVD among contacts.
- ii. Include the preparedness activities such as staff training, preparation of necessary protocols and equipment, protocols needed to successfully use the Ebola Vaccine, in the national emergency contingency plans.
- iii. Consider and establish disease surveillance Zones at the border between EAC Partner States, DRC and other neighboring countries, with relevant cross border committees (composed of officials from both countries);
- iv. Facilitate information exchange both formally and informally (phone calls, teleconference, social media like WhatsApp, emails, etc.).
- v. Select official Points of Entry at cross border point and develop capacity for EVD surveillance.
- vi. Conduct mapping of official and unofficial points of Entry in the region; develop a policy framework to guide information sharing between the EAC partner States and DRC.
- vii. EAC Secretariat to develop the Joint Contingency Plans for EVD including resource mobilization in line with the regional contingency plan.
- viii. Partner States to harmonize their EVD contingency plans.
- ix. The EAC Secretariat to develop and implement funding mechanism among Member States for EVD contingency plans.
- x. EAC Secretariat to develop a framework through which non-member states can be supported.
- xi. EAC Secretariat to develop a Monitoring framework for tracking the level of implementation of the contingency plans.
- xii. EAC Secretariat to link Public Health Emergency Operations Centers (PHEOCs) available in the EAC Partner States for information sharing.

6.0 OBSERVATIONS

The Committee made the following observations:

- i. The Committee appreciates the individual efforts made by the Partner States at the national level and all the bilateral, regional, and international initiatives so far made to manage and contain the Ebola Viral Disease and other epidemics in the region.
- ii. It was noted that migration and trans-boundary trade, which is facilitated by the EAC common market, by tourism and impacts of climate change are the factors that prompt these outbreaks. Most of these diseases are of zoonotic nature as the transmitted from both animals and humans.
- iii. The frequent movement of people across the borders of the EAC Partner States poses a greater risk of spreading communicable diseases from one country to another. The EAC Secretariat has embraced (Health Sectoral Council Directive) the **One Health (OH) Approach** to effectively prevent and respond to emergencies of cross-border epidemics in the region.
- iv. According to the *East African Newspaper* dated 17th – 23rd August 2019, Ebola may soon be preventable and treatable after a trial of two drugs in the Democratic Republic of Congo showed more than 90% survival rates. The research done indicated that the drugs will prevent deaths if given to infected persons early, and it will be used to treat all patients with the disease in DR Congo.
- v. The same Newspaper further reported that the drugs, named REGN-EB3 and mAb114, work by attacking the Ebola virus with antibodies, neutralizing its impact on human cells. According to Dr. Anthony Fauci, Director of the US National Institute of Allergy and Infectious Diseases, these are the “first drugs that have clearly shown a significant reduction of deaths for Ebola patients”. It was reported that the survival rate among patients was as high as 94% when given REGN-EB3, and 89% when on mAb114.
- vi. The EAC Secretariat has developed a Regional Contingency Plan for epidemics due to communicable diseases, conditions and other events of public health concern. The purpose of the Contingency Plan is to guide the EAC Secretariat in harmonizing and coordinating the national efforts of the Partner States to

address public health emergencies with primary focus on zoonotic and non-zoonotic infectious diseases of public health concern.

- vii. East African Community in Partnership with KfW and Bernhard-Nocht Institute for Tropical Medicine (BNITM) initiated the Regional Network of Public Health Reference Laboratories for Communicable Diseases Project. The project aims at strengthening sustainable structures and capacities for the rapid identification of infectious disease outbreaks within the territories of the Partner States to enable timely and effective response for the prevention of epidemics caused by various pathogens and biological agents of Biosafety Level. This is a 3 year project that started in 2017 and will run up to 2020.
- viii. It was noted that Phase 1 of the project, EAC acquired nine (9) mobile laboratories and 18 vehicles to help in controlling hemorrhagic fevers, training 70+ laboratory personnel in mobile laboratory diagnostics and biomedical engineers, build a state of the art diagnostic services, ensure regional proficiency testing , development of harmonized standard operating procedures, surveillance of epidemic prone viral diseases and regional exchange of expertize and joint cross boarder investigation while building international networks. Three (3) Field missions will be carried per laboratory in the 1st Phase and this will continue in the subsequent phases.
- ix. Whereas the Regional Contingency Plan requires Partner States to notify the EAC Secretariat in not later than 24 hours of the prevailing epidemic status to enable it undertake her coordination and advisory role, this is rarely done.
- x. The refusal by the United Republic of Tanzania to allow the Assembly to undertake this oversight activity in this Partner State is against the spirit of integration and this gesture frustrate efforts aimed at fighting/containing communicable ones in the region. It is important to note that diseases, more so communicable diseases know no geographical/political boundaries or nationalities. With the signing of the Common Market Protocol and African

Continental Free Trade Area, it is expected that the region will witness increased movement of people and volumes of trade. Therefore, the region should work together to contain the disease/epidemic outbreak, which may potentially affect intra-regional and continental trade as well as the welfare of the people of East Africa.

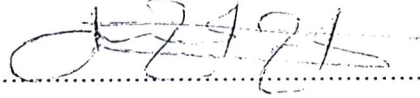
7.0 RECOMMENDATIONS

In view of the foregoing, the Committee would like to make the following recommendations:

1. The Assembly to urge the Council of Ministers to develop the EAC Policy on the Management of Communicable diseases in the region.
2. The Assembly to register its vote appreciation to and commend the Development Partners such as WHO and GiZ among others, for their technical and financial support to the EAC in the management of Ebola and other epidemics in the region.
3. Urge the Assembly to explore ways of establishing and strengthening a collaborative engagement with the WHO and GiZ in enhancing its oversight mandate in the promotion of the health sector in the region.

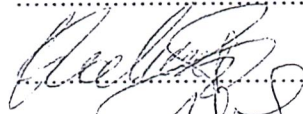
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13TH – 16TH SEPTEMBER 2019**

1. Hon. Abdikadir Omar Aden

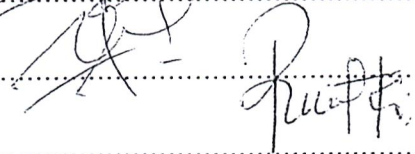


2. Hon. Ayason Mukulia Kennedy

3. Hon. Dr. Kalinda Francois Xavier

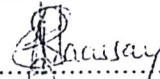


4. Hon. Dr. Makame Abdullah Hasnuu

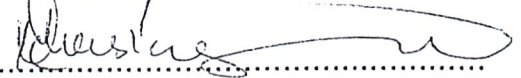


5. Hon. Kim Gai Duop Ruot

6. Hon. Eng. Maassay Pamela Simon

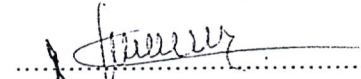


7. Hon. Gasinzigwa Oda

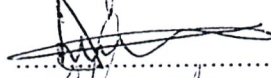


8. Hon. Gatkek Dut Thomas

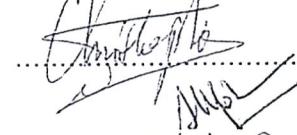
9. Hon. Karerwa Mo-Mamo



10. Hon. Namara Dennis



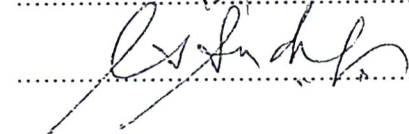
11. Hon. Nduwayo Christopher



12. Hon. Nooru Adan Mohamed



13. Hon. Nzeyimana Leontine



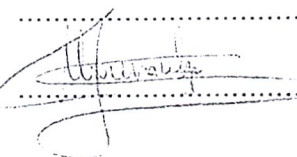
14. Hon. Odongo George Stephen

15. Hon. Opoka-Okumu Christopher



16. Hon. Sergon Jematiah Florence

17. Hon. Maryam Ussi Yahya



18. Hon. Uwumukiza Francoise

ANNEX I

THE UNITED REPUBLIC OF TANZANIA

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In reply please quote:

Ref. No.CDA.177/800/01

13 September, 2019

The Clerk,
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P.O. Box 1096,
ARUSHA, TANZANIA

**Re: CANCELLATION OF THE OVERSIGHT ACTIVITY TO ASSESS THE
LEVEL OF PREPAREDNESS OF THE EAC PARTNER STATES IN THE
MANAGEMENT OF EBOLA AND DENGUE FEVER OUTBREAKS**

Reference is made to your letter with Ref: EALA/GPC/COMM 1(D) dated 27 August, 2019 related to the activity mentioned above.

The United Republic of Tanzania regrets to inform you that, due to unforeseen circumstances requests for this activity to be postponed. New dates would be communicated on due course.

We apologise for any inconveniences that may occur.

We thank you for your continued cooperation.

A handwritten signature in black ink, appearing to read 'Faraji K. Mnyepe', written over a horizontal line.

Dr. Faraji K. Mnyepe
PERMANENT SECRETARY

EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY

LAD ON PROCS
ON 04/12/2019



[Signature]
Ag. Clerk

COMMITTEE ON LEGAL, RULES AND PRIVILEGES

REPORT OF THE OVERSIGHT ACTIVITY ON COMPLIANCE WITH THE EAC
PROTOCOLS AND LAWS BY EAC INSTITUTIONS

09TH TO 12TH OCTOBER 2019

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 10 MAR 2020	TUESDAY
TABLED BY:	Hon. Dack Aden Leader of Majority Party
CLERK OF THE ASSEMBLY:	Lemmo Moses

ACRONYMS

APHRC	African Population and Health Research Council
CAAs	Civil Aviation Authority
CASSOA	Civil Aviation Safety and Security Oversight Agency
CIFA	Committee for the Inland Fisheries of Africa
CTC	Council to the Community
DRC	Democratic Republic of Congo
EAC	East African Community
EADB	East African Development Bank
EAFRO	East African Freshwater Research Organisation
EAFFRO	East African Freshwater Fisheries Organisation
EAFO	East African Fisheries Organisation
EAHRC	East African Community Health Research Commission
EI	Effective Implementation
EAKC	East African Community Kiswahili Commission
EALA	East African Legislative Assembly
EASTECO	East African Community Science and Technology
FAO	Food and Agriculture Organisation
GASOS	Global Aviation Safety Oversight System
ICAO	International Civil Aviation Organisation
IUC	Inter-University Committee
IUCEA	Inter-University Council of East Africa
LVFO	Lake Victoria Fisheries Organisation
LVBC	Lake Victoria Basin Commission
MoU	Memorandum of Understanding
NSSF	National Social Security Fund
RSOO	Regional Safety Oversight Organisations
RFMO	Regional Fisheries Management Organisation
SARPs	Standards and Recommended Practices
TCM	Transport, Communication and Meteorology

SON Source of Nile
SIDA Swedish International Development Cooperation Agency
USD United States Dollars

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1.0 INTRODUCTION

Article 9 (2) of the Treaty for the Establishment of the East African Community (Treaty) empowers the Summit of Heads of State to establish Institutions of the Community. The institutions may be bodies, departments or services of the Community. Article 9 (3) provides that the East African Development Bank (EADB) and the Lake Victoria Fisheries Organisation (LVFO) are surviving institutions of the Community. Other institutions of the Community are the Lake Victoria Basin Commission (LVBC), the Civil Aviation Safety and Security Oversight Agency (CASSOA), the Inter-University Council of East Africa (IUCEA), the East African Community Health Research Commission (EAHRC), the East African Community Science and Technology (EASTEKO), the East African Community Kiswahili Commission (EAKC) and the East African Community Competition Authority (EACA).

The Institutions of the Community are established by various legal instruments including Protocols, Charters and Acts of the Community. Organs, institutions and other stakeholders are required to comply with and implement the legal instruments establishing the EAC institutions. It is against this background that the Committee on Legal, Rules and Privileges undertook the Oversight Activity to assess the compliance and implementation of the protocols and laws relating to the institutions of the Community.

This report contains the justification for the oversight activity, objectives and the methodology used by the Committee in undertaking the activity. The report further describes in detail the information received from the EAC institutions and committee's observations and recommendations.

2.0 JUSTIFICATION OF THE OVERSIGHT ACTIVITY

One of the fundamental principles of the Community provided by Article 6 of the Treaty is good governance which includes adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of the human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights.

Implementation of protocols and laws of the Community is one of the key components of good governance and the rule of law, therefore it was imperative for the Committee to undertake this activity. The report of this activity enables the Assembly to debate on the implementation of protocols and laws of the Community and to make relevant recommendations.

3.0 OBJECTIVES OF THE ACTIVITY

The main objective of this activity was to assess the level of compliance to the protocols and laws of the Community by the EAC Institutions. The specific objectives include the following:

- i. To understand the existing protocols and laws governing the EAC institutions;
- ii. To assess how the Institutions of the Community comply to and implement the protocols and laws of the Community;
- iii. To examine the effectiveness of the EAC Protocols and laws governing the EAC institutions;
- iv. To analyse the challenges facing the EAC Institutions in complying with and implementing EAC protocols and laws; and
- v. To propose amendments to the protocols and laws of the Community.

4.0 METHODOLOGY

The Committee visited the headquarters of the institutions and held interactive meetings with management and Staff. Institutions made presentations on their mandate and status of the compliance and implementations of protocols and laws. They also highlighted challenges they encounter and made recommendations on what should be done by the Community. Due to time and financial constraints, the Committee was able to visit the four Institutions located in the Republic of Uganda. The Republic of Uganda was selected because it hosts four institutions of the Community which are the EADB, CASSOA, IUCEA and LVFO. The Committee is expecting to accomplish this task by conducting an oversight activity to the remaining institutions in the future. The Committee was divided into two teams: the first team covered IUCEA and LVFO while the second team covered CASSOA and EADB.

Prior to the oversight mission, the Committee sent out guidelines to the four institutions to provide the information on the following issues;

- i. Establishment of the Institution;
- ii. The legal instruments governing the Institution (Protocols and Laws);
- iii. Regional and national legal instruments that relate to the operations of the Institution and how they affect the activities of the Institution;
- iv. Key stakeholders of the Institution and how they interact with them;
- v. Challenges the Institution face in complying with and implementing protocols and laws of the Community and those of Partner States if any;
- vi. Areas which require review or amendment in the existing legal instruments (EAC and or National);
- vii. Expectation of the Institution from the Committee and the Assembly in general; and
- viii. Recommendations to the Assembly, Council of Ministers and EAC Partner States.

5.0 REPORTS FROM INSTITUTIONS

5.1 THE INTER UNIVERSITY COUNCIL FOR EAST AFRICA (IUCEA)

The Committee visited the Inter-University Council for East Africa on 10th October, 2019 at its headquarters in Kampala, Uganda. The Committee was hosted by the management of IUCEA led by Prof. Mike Kuria (Deputy Executive Secretary) on behalf of the Executive Secretary who was attending the Extra-Ordinary Council of Ministers in Arusha.

The IUCEA is housed at their own building which was built on the land provided by the government of Uganda. Plans are underway to embark on the construction of phase two of their headquarters on their land.

5.1.1 Establishment of the Inter-University Council for East Africa

In East Africa region higher education interactions and cooperation originate from the pre-independence era. This was at the time Makerere University College was the only higher education institution in the region. The College was serving students from Kenya, the then

Tanganyika and Zanzibar in East Africa as well as from the then Rhodesia and Nyasaland in central and southern Africa, which now consist of Malawi, Zambia, and Zimbabwe. Later in 1963, university colleges were established in Nairobi and Dar es Salaam as constituent colleges of the then University of East Africa.

In 1970, the University of East Africa was dissolved and the University of Dar es Salaam, Makerere University and the University of Nairobi were established as separate national universities for Tanzania, Uganda, and Kenya respectively. In the same year, due to the need to maintain collaboration between these universities, the Inter-University Committee (IUC) was established under the auspices of the first East African Community. The role of IUC was to facilitate contact and cooperation among the three universities (University of Dar es Salaam, Makerere University and University of Nairobi). In 1977, the former EAC collapsed and the support that IUC was receiving from the Partner States declined. However, IUC continued to coordinate cooperation between the three universities albeit with resource constraints that severely limited its functions.

In 1980, after consultations involving permanent/principal secretaries responsible for higher education in Uganda, Tanzania, and Kenya, the vice-chancellors of the universities in the three countries met in Nairobi, Kenya to discuss the future of the cooperation of their institutions. They agreed to sign a Memorandum of Understanding (MoU) committing them to maintain cooperation between their universities within the IUC framework. The MoU was subsequently signed and led to the transformation of IUC into the current Inter-university Council for East Africa (IUCEA).

Upon its re-establishment, EAC recognized the IUCEA as one of the surviving institutions of the former EAC. Consequently, EAC concluded a Protocol for the Establishment of the IUCEA in 2002. In 2009 the East African Legislative Assembly (EALA) enacted the IUCEA Act 2009, thus effectively integrating the IUCEA into the EAC operational framework. According to the IUCEA Act, any university, university college, and degree awarding institution may apply for and get admitted to the IUCEA membership as long as it is properly incorporated in the EAC Partner State where it is operating and pursuing objectives that are consistent with the

functions of the IUCEA as spelled out in the Act. Currently, there are 130 Member Universities.

The IUCEA is governed by the EAC Council of Ministers, EAC Sectoral Council of Ministers and the EAC Secretariat. The IUCEA also have the following organs:

- a. Annual Meeting of Vice Chancellors;
- b. Executive Committee (Governing Board); and
- c. The IUCEA Secretariat.

The main objectives of the IUCEA as provided for by the IUCEA Act are:

- a. Facilitate networking among universities in East Africa, and other universities outside the region;
- b. Provide a forum for discussion on a wide range of academic and other matters relating to higher education in East Africa; and
- c. Facilitate maintenance of internationally comparable education standards in East Africa so as to promote the region's competitiveness in higher education.

5.1.2 Legal Instruments Governing the IUCEA

The following are the legal instruments governing the IUCEA

- a. The Treaty for Establishment of the East African Community;
- b. The IUCEA Protocol; and
- c. The IUCEA Act, 2009

Apart from the three legal instruments, the IUCEA is also guided by the EAC Development Strategy, the IUCEA Rolling Strategic Plans and IUCEA Annual Workplans.

5.1.3 Strategic Activities Undertaken by the IUCEA

The Committee was informed about some of the activities undertaken by the IUCEA is the harmonization of education, collaboration and partnership, center of excellence initiatives and provision of scholarships.

The 18th Summit of the EAC Heads of State held on 20th May 2017 declared East African Community as a Higher Education Area. The Declaration requires transformation of East Africa into a Common Higher Education Area characterized by comparable, compatible, coherent and harmonised systems of higher education. The IUCEA is charged with the responsibility of coordinating its operationalization as its contribution to implementation of the EAC Common Market Protocol. Other areas under harmonisation are:

- a. Regional quality assurance system, incorporating: Standards, guidelines and procedures, Programme benchmarks and QA policy framework;
- b. East African Qualifications Framework for Higher Education;
- c. East African Quality Assurance Network for Higher Education; and
- d. Staff and student's mobility policies including an EAC harmonized fees structure model

In the area of collaboration and partnership, the IUCEA undertakes the following activities:

- a. Organizes the Academia-Public-Private-Partnership conferences (started in 2012);
- b. In collaboration with the EASTECO they established the Science Technology and Innovation Journal;
- c. Supports authorship of textbooks and other academic materials (They launched a book on EAC during the 2019 Annual Meeting).

In the area of centers of excellence, the IUCEA works with development partners to develop and manage centers of excellence in 8 countries which are Kenya, Uganda, Tanzania, Rwanda, Ethiopia, Malawi, Mozambique and Zambia.

The IUCEA also coordinates provision of scholarships to various EAC students as follows:

- a. Masters fellowship to support talented female scientists to become future leaders (60 scholarships);
- b. Undergraduate scholarships offered by Kyungdong University of Korea (30 scholarships each year);
- c. 60 scholarships at the center of excellence in ICT, Nelson Mandela African Institute of Science and Technology; and

- d. Establishment of sustainable scholarship programme for East Africa tenable at IUCEA member universities.

5.1.4 Key Stakeholders of the IUCEA

The key stakeholders of the IUCEA include the following:

- a. Partner States;
- b. Universities (staff and students included);
- c. The World Bank (Eastrip and ACE 11);
- d. German Development Bank (KFW scholarships);
- e. German Academic Exchange Service (DAAD);
- f. African Population and Health Research Council (APHRC);
- g. Nile Basin Initiative;
- h. Kyungdong University;
- i. GIZ (centre of Excellence in IT, APPF); and
- j. Other collaborative partners (SIDA, ESA etc.)

5.1.5 Proposal to Amend the IUCEA Protocol

The Committee was informed that the IUCEA initiated the process of amending the IUCEA Protocol which will also necessitate the amendment to the IUCEA Act. The proposals were made and adopted by the IUCEA Organs and forwarded to Partner States for consideration and recommendations. The time of ninety days given by the Treaty for Partner States to comment on the proposals lapsed without any Partner State submitting Comments. However, Partner States requested for extension of time to submit their comments. IUCEA is still waiting for comments from Partner States.

5.1.6 Challenges Facing the IUCEA

The Committee was informed that the following are the challenges the IUCEA faces in implementing their mandate:

- a. The IUCEA is required to oblige universities to offer quality education, however the IUCEA has no accreditation and inspection powers;

- b. Not all universities in the Community are members of the IUCEA (non-member universities do not participate in the IUCEA activities and programmes);
- c. Delay in the amendment of the IUCEA Protocol by the Council of Ministers;
- d. Internal dynamics in the Partner States interfering with the professional operations of the Institution. Some interference has legal implications to the institution;
- e. The IUCEA is required by the Government of Uganda to pay contributions for its staff to the National Social Security Fund (NSSF) contrary to the EAC Staff Rules which provides for payment of gratuity to staff of the Community;
- f. Non-recognition of the IUCEA diplomatic status in other Partner States whereas the IUCEA activities are taxed by Revenue Authorities in other Partner States; and
- g. The EAC Common Higher Education Area is not anchored by law.

5.1.7 Observations of the Committee

The Committee observed the following issues in relation to the IUCEA:

- a. The IUCEA as a specialized institution of the Community is doing a tremendous work and it has touched many citizens of the EAC Partner States;
- b. There are very few beneficiaries from the Republic of Burundi and the Republic of South Sudan as compared to other Partner States;
- c. The realization of the EAC Common Higher Education Area requires support of EAC Legal Instruments;
- d. Privileges accorded to staff of the IUCEA and other Organs and Institutions of the Community are not harmonised by the Council of Ministers. Institutions and Organs enjoy the privileges as provided in the Headquarters' Agreements which differ from one Partner States to another;
- e. Some Partner States provide Diplomatic Passports to their nationals in the service of the Community while others do not. For example, the Deputy Executive Secretary of the IUCEA who is from Kenya holds an ordinary passport while some junior officers from other Partner States hold diplomatic passports. When travelling outside Uganda, the Deputy Executive Secretary is treated as an ordinary citizen while the junior is accorded with diplomatic treatment;

- f. The delay by Partner States to approve the amendment to the IUCEA Protocol holds back the effort of improving Higher Education in the region;
- g. The IUCEA is mandated to deal only with higher education. However, there is no institution of the Community to coordinate lower education. The quality of education needs to be improved in the entire education system (from nursery to University levels); and
- h. The existing court case at the EACJ (Reference No. 13 of 2017) where IUCEA is sued by Professor Elias Bizuru over recruitment process is highly affecting the performance of the IUCEA. EACJ restrained IUCEA from recruiting the Chief Research and Innovation Coordination Officer pending the court's decision on this Reference.

5.1.8 Recommendations

The Committee recommends to the Assembly urge the EAC Council of Ministers:

- i. To fast track the amendment to the IUCEA Protocol;**
- ii. To conclude negotiation with the Republic of Uganda to amend the Headquarters Agreement for the IUCEA;**
- iii. To prepare a Bill for the purpose of facilitating the Declaration of the EAC Common Higher Education Area;**
- iv. To confer powers to the IUCEA to enforce the standards and guidelines issued in all Partner States including accreditation of universities and programs;**
- v. To direct the Republic of Uganda to resolve the issue of Social Security for staff of the IUCEA;**
- vi. To direct the IUCEA to ensure that its activities benefit all Partner States;**
- vii. To decide that all universities accredited in the EAC Partner States should be members of the IUCEA;**
- viii. To harmonise salary structures, benefits and privileges for all staff in the EAC Institutions, example diplomatic passports, number plates etc; and**

- ix. To encourage all Partner States to facilitate issuance of diplomatic passports and officials to their citizens in the service of the Community.**

5.2 THE EAST AFRICAN COMMUNITY CIVIL AVIATION SAFETY AND SECURITY AGENCY (CASSOA)

The Committee visited the Civil Aviation Safety and Security Agency (CASSOA) at its headquarters in Entebbe, Uganda on 10th October, 2019. The Committee was hosted by the Mr. Mohamed Besta (Director of Technical) on behalf of the Executive Director who was attending the Extra Ordinary Meeting of the Council of Ministers in Arusha, United Republic of Tanzania. The CASSOA is housed at a building provided by the Government of Uganda and it is currently processing acquisition of the title deed.

5.2.1 Establishment of CASSOA

The East African Community Civil Aviation Safety and Security Agency (CASSOA) was established by the EAC Council of Ministers following the signing of the Protocol on 18th April, 2007. At the beginning of its operations, CASSOA was hosted at the EAC Headquarters in Arusha, Tanzania until 2010 when it moved to Entebbe, Uganda. The Agency is established by two legal instruments, the Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency, 2007 (the CASSOA Protocol) and the East African Community Civil Aviation Safety and Security Agency Act, 2009 (the CASSOA Act). All EAC Partner States are Members of the CASSOA.

The Agency is in close collaboration with the International Civil Aviation Organisation (ICAO), as a global oversight and regulatory aviation body, in providing the necessary support and facilitation to the Partner States in establishing oversight capabilities in civil aviation.

The organs of the Agency are the Board composed of Director Generals of Civil Aviation Authorities (CAAs) and Aviation experts nominated by each Partner State; the EAC Secretariat; and other Organs and offices as the Board may consider necessary (Technical Committees, Working Groups,). The Board reports to the Council of Ministers.

5.2.2 Objectives of CASSOA

Article 92 of the Treaty for the Establishment of the East African Community outlines a comprehensive system of cooperation among the Partner States in civil aviation and air transport. The principal objectives of CASSOA as provided for by Section 4 of the CASSOA Act are:

- a. To develop policies on the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology as well as the role of civil aviation in support of other economic activities;
- b. Assist the Partner States in meeting their safety and security oversight obligations and responsibilities under the Treaty and the Chicago Convention and its Annexes; and
- c. Provide the Partner States with an appropriate forum and structure to discuss, plan and implement common measures required for achieving the safe and orderly development of international civil aviation through the implementation of international standards and recommended practices relating to the safety and security of civil aviation.

Out of the specified objectives, CASSOA is also involved in three major functions:

- a. Harmonising operating regulations to ensure that they meet international standards and recommended practices;
- b. Developing standardised procedures for licensing, approving, certificating and supervising civil aviation activities; and
- c. Providing guidance and assistance to Partner States including putting in place measures for resource sharing particularly for the technical personnel.

5.2.3 Key Stakeholders of CASSOA

The key stakeholders for the Agency include:

- i. The Partner States – Civil Aviation Authorities and Industry;
- ii. International Civil Aviation Organization (ICAO);

- iii. Regional Safety Oversight Organizations (RSOOs);
- iv. Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPS); and
- v. The civil aviation industry at sub-regional, regional and global levels.

5.2.4 Amendments to the CASSOA Protocol and the CASSOA Act

The 24th Meeting of the Council of Ministers directed CASSOA and the EAC Secretariat to reconcile the CASSOA Protocol with the provisions of the Treaty and the CASSOA Act. In collaboration with the Counsel to the Community, CASSOA reviewed provisions of the CASSOA Protocol and the CASSOA Act with the view to harmonize the two instruments with provision of the Treaty.

Provisions deemed inconsistent with the Treaty were identified and presented to the Board of CASSOA. The meeting of Board held on 30th May, 2019 directed the Agency Secretariat to finalize the proposed amendments with the CTC's Office and transmit the matrix of the proposed amendments to the Sectoral Committee on Transport, Communication and Meteorology (TCM).

5.2.5 Achievements on Legal Mandate

Through the current Protocol and Law, CASSOA has achieved the following:

- a. A developed Model EAC Primary Civil Aviation Legislation for adoption and promulgation by Partner States;
- b. Harmonization of developed Model of EAC Regulations for adoption and promulgation by Partner States;
- c. Harmonization of developed Model of EAC Technical Guidance Materials for adoption and promulgation by Partner States;
- d. Marked improvement amongst Partner States for the Effective Implementation (EI) of the Safety Oversight System;
- e. Compliance with the International Civil Aviation Organisation (ICAO) Standards and Recommended Practices (SARPs); and
- f. Improved competencies among Technical Experts in EAC;

- g. Pooling of resources and facilitation for sharing of Inspectors;
- h. Enhanced Capacity building through Inspector Training;
- i. Regional Road map for implementation of State Safety Programmes;
- j. Assistance for the certification processes;
- k. EAC Common Examinations System;
- l. Participation in the Regional Safety Oversight Organizations (RSOO) and Global Aviation safety Oversight System (GASOS) initiatives; and
- m. Stakeholder's engagement through Regional Aviation Symposia and coordinated events.

5.2.6 Challenges facing CASSOA

The Committee was informed that the following are the challenges the CASSOA faces in implementing their mandate:

- a. Human resource constraints in civil aviation region-wide;
- b. Lack of sustainable funding mechanism;
- c. Inadequate level of effective implementation of Standards and Recommended Practices (SARPs) in some Partner States;
- d. Tedious and untimely process for harmonization of Civil Aviation Acts, Civil Aviation Regulations and Procedures;
- e. Variable and often delayed of financial contributions from the Partner States; and
- f. Funding from Development Partners.

5.2.7 Observations by the Committee

The Committee observed the following issues in relation to CASSOA:

- i. CASSOA is doing a tremendous work in promoting safety in the air transport in the region;
- ii. CASSOA as well as all other organs and institutions of the Community is under-staffed and under-funded;

- iii. CASSOA prepared a number of instruments to be adopted and complied with by Partner States, however, the Agency do not have legal instruments to enforce compliance;
- iv. Air transport in the EAC is still expensive as compared with other regions in the world.

5.2.8 Recommendations by CASSOA

Based on the foregoing, the Agency recommends the following;

- i. The process for amendments to the CASSOA Protocol and the CASSOA Act, 2009 be expedited;
- ii. expand the mandate of CASSOA from level 1 to level 2 Regional Safety Oversight Organisation (RSOO);
- iii. Increase the staffing levels to fill all positions in the approved Organisation Structure;
- iv. Provide sustainable funding mechanism to support the activities of CASSOA; and
- v. EALA to move a motion to urge the Council of Ministers to prepare EAC Civil Aviation Bill.

5.2.9 Recommendations by the Committee

The Committee recommends to the Assembly to urge the Council of Ministers:

- i. To prepare the EAC Civil Aviation Bill;**
- ii. To fast track the process of amending the CASSOA Protocol and the CASSOA Act;**
- iii. To consider expanding the mandate of the CASSOA from level 1 to level 2;**
- iv. To direct the EAC Secretariat and CASSOA to explore the possibility of reducing the cost of air transport in the EAC;**
- v. To explore the possibility of creating one EAC Civil Aviation Authority as a strategy to reduce the cost of air transport in the region; and**
- vi. To address the problem of staff facing CASSOA.**

5.3 LAKE VICTORIA FISHERIES ORGANIZATION

The Lake Victoria Fisheries Organization (LVFO) is the longest EAC surviving institution. It is based in the Republic of Uganda and located in Jinja where it is housed in its own building

since 2000. The Committee visited the LVFO on 11th October, 2019 and was hosted by Dr. Rhoda Tumwebaze (Director of Fisheries Management and Development) who represented the Executive Secretary. The Executive Secretary of the LVFO was attending the Extra Ordinary Meeting of the Council of Ministers in Arusha, United Republic of Tanzania. Presentations were made by Dr. Robert Kayanda (Director of Fisheries Resource Monitoring and Research) followed by plenary discussion.

5.3.1 Establishment of the Lake Victoria Fisheries Organization

The LVFO is a specialized institution of the Community mandated to coordinate the management and development of fisheries and aquaculture resources in the entire EAC Region. The history of the LVFO dates back to 1928 when the Lake Victoria Fisheries Services (LVFS) was established for regulating fishery and collecting fisheries statistics. In 1947, the East African Freshwater Research Organization (EAFRO) was established. In 1967, the former East African Community was established, in the same year the East African Freshwater Fisheries Organization (EAFFRO) was established. The former East African Community collapsed in 1977 along with the East African Freshwater Fisheries Organization. However, the three riparian States continued to collaborate in the management of the Lake Victoria fisheries under the aegis of the United Nation Food and Agriculture Organization (FAO), through its Committee for the Inland Fisheries of Africa (CIFA) and specifically it's Sub-Committee for the Development and Management of the Fisheries of Lake Victoria.

The LVFO was established by the Convention for the Establishment of Lake Victoria Fisheries Organizations, signed on 30th June, 1994 by three Contracting Parties (Kenya, Uganda and Tanzania). It was created following the concerted efforts by the Contracting Parties assisted by Food and Agriculture Organisation which became the depositary of the LVFO Convention. The LVFO is also registered under Article 102 of the United Nations Charter and is recognized as a Regional Fisheries Management Organization (RFMO).

The Convention was amended in 1998 and 2016 to enable other Partner States of the Community to join the LVFO and to widen the scope of the institution's operations to cover all water bodies of the Contracting Parties and not just Lake Victoria. According to Article XX of

the Convention, any EAC Partner State may become Party to the Convention by signing and deposit the instrument of Ratification with the depository who is the Director-General of FAO based in Rome, Italy. Apart from the original Contracting Parties, the Republic of Burundi is the fourth Partner State to join the LVFO.

The objectives of the LVFO stipulated by Article II of the Convention shall be to foster cooperation among the Contracting Parties, harmonize national measures for the sustainable utilization of the fisheries and aquaculture resources of the East African Community water bodies and to develop and adopt conservation and management measures. The functions and responsibilities of the LVFO are:

- a. Promote the proper management and optimum utilization of the fisheries and other resources of the EAC water bodies;
- b. Enhance capacity building of existing institutions and develop additional institutions dedicated to, or likely to contribute to, the purpose of the Convention in cooperation with existing institutions established in or by the Contracting Parties and with such international, regional or non-governmental organisations as may be appropriate;
- c. Provide a forum for discussion of the impact of initiatives dealing with the environment and water quality in relation to fisheries and aquaculture resources of the East African Community;
- d. Provide for the conduct of research concerning the fisheries and aquaculture resources and related activities;
- e. Encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of aquaculture and fisheries;
- f. Consider and advise on the effects of the direct or indirect introduction of any nonindigenous aquatic animals or plants into the EAC water bodies and to adopt measures regarding the introduction, monitoring, control or elimination of any such animals or plants; and
- g. Serve as a clearing-house and data bank for information on fisheries and aquaculture products, and promote the dissemination of information, without prejudice to industrial property rights, by any appropriate form of publication.

5.3.2 Legal Instruments Governing LVFO

The LVFO is governed by the Treaty for the Establishment of the East African Community and the LVFO Convention. Article 114 (2) (b) (ii) and (iii) of the Treaty provides for the adoption of common policies and regulations for management and development of fisheries resources and investment guidelines for inland and marine waters. A functional analysis Study (2008) pointed out the need to widen the scope and mandate of LVFO. The aim of expanded mandate is to expand geographically and include regional fisheries beyond Lake Victoria to address aquaculture and post-harvest aspects. Consequently, the LVFO Convention was amended to include all Partner States and all water bodies in the EAC. The expanded mandate also caters for aquaculture, fish trade/marketing and fish quality assurance. LVFO is developing legal instruments, institutional and functional frameworks for transforming LVFO to East African Fisheries Organization (EAFO).

Article XIX of the LVFO Convention requires LVFO to cooperate with other intergovernmental organizations and institutions with similar objectives. Currently, the LVFO collaborates with the following bodies:

- a. Lake Victoria Basin Commission;
- b. Nile Basin Initiative;
- c. Lake Edward and Albert Integrated Fisheries and Water Resources Management Project;
- d. Lake Tanganyika Authority; and
- e. Indian Ocean Tuna Commission.

The LVFO Convention was revised in 2016 to expand the mandates of the LVFO and provided for the establishment of the four main programme areas:

- a) Fisheries Development and Management;
- b) Aquaculture Management and Development;
- c) Fisheries Resources, Monitoring and Research; and
- d) Fish Quality Assurance, Trade and Marketing.

The Committee was informed that two programs: the Aquaculture Management and Development and the Fish Quality Assurance, Trade and Marketing do not have staff.

5.3.3 Regional and National Legal Instruments that Relate to the Operations of the LVFO

The LVFO implements the East African Customs Union and Common Market Protocols. Article 45 of the EAC Common Market Protocol stimulates the promotion of fisheries and aquaculture to ensure food security regarding increase in production and productivity, achieve food and nutrition security, promote investments, develop effective markets and marketing systems and promote processing and value addition. In implementing the two Protocols, the LVFO started a program on Fish Quality Assurance, Trade and Marketing whose major objectives are to promote fish quality, safety, product development and marketing of fish and fishery products through:

- a. Harmonisation of policies, legislation, standards and guidelines for regional and international markets;
- b. Establishment of code of practice for fishing, fish handling and processing; and
- c. Promoting development of value-added products.

The LVFO developed the following instruments for the purpose of harmonisation of practices and standards in the Region:

- a. Regional Fisheries Guidelines for Species-Specific Licensing for Lake Victoria;
- b. EAC harmonized Fisheries and Aquaculture Border Inspection Manual;
- c. Guidelines for Establishment and Operation of Cage Fish Farming in the East African Community;
- d. Guidelines for Fish Traders in Fishery and Aquaculture Products and Inputs in the East African Community;
- e. Guidelines for Establishment and Management of Fish Breeding and Nursery Areas; and
- f. Fisheries and Aquaculture Policy for the East African Community.

5.3.4 Stakeholders working with LVFO

The key stakeholders of the LVFO include the following:

- a. Department of Fisheries and Aquaculture in the Partner States;
- b. Fisheries Research Institutes;
- c. Universities involved in management, resource mobilisation, joint publications and information dissemination;
- d. Fish industry;
- e. Local Government Authorities;
- f. Private sector;
- g. Non- Governmental Organisations/Civil Societies;
- h. Development Partners; and
- i. Beach Management Units.

5.3.5 VISIT TO THE SOURCE OF THE NILE FISH FARM

The LVFO organized a site visit for the Committee to the Source of the Nile Fish Farm (SON). The project is located at Bugungu area at the western end of the Napoleon gulf in northern Lake Victoria, just few kilometers south of the Source of River Nile. SON Fish Farm is owned by a British which has similar farms in Zimbabwe and Zambia.

The Committee was informed that SON has been engaging in fish farming since 2005. The Company has a distribution centers in Uganda and Kenya. They have ponds for different purposes including breeding, holding and harping. The fish is then taken to cages floating on the Lake Victoria and are kept in juvenile cages for two months and then to the production cages for six months. They produce table size fish and fingerlings. The production is about 120 tons per month which is sold locally and as exports to various countries including Kenya, Rwanda, Tanzania and Democratic Republic of Congo (DRC). The Company also supply fish seeds to the neighbouring communities.

SON employs over 100 staff of which 37% are women in Uganda and at their distribution centers in Kenya. One of the main challenges reported was the availability of feeds for fish. The Committee was informed that around 200 tons of feeds are used each month and 80% of the feeds are imported from Brazil, Mauritius and Egypt. The Committee was further informed that local feeds are more expensive and of low quality as compared with imported feeds.

The Committee was accorded an opportunity to visit the cages floating on Lake Victoria and the Source of the River Nile through a boat tour.

5.3.6 Challenges Facing the LVFO

The Committee was informed that the following are the challenges the LVFO faces in implementing their mandate:

- a. Understaffed with only two technical staff at the professional level;
- b. Delays and inadequate contributions to the LVFO budget by some Partner States;
- c. The Republic of Uganda contributes to the LVFO budget in Uganda Shilling (UGX) while the budget of LVFO is in United States Dollars (USD);
- d. In accordance with Article 8 (3) (a) all institutions are required to channel their communication to Partner States through the Ministries responsible for EAC Affairs. However, there were concerns about delays in communication between Ministries responsible for EAC Affairs and Ministries responsible for Fisheries in Partner States, hence slow implementation of agreed decisions and programs;
- e. Rationalization of budget by the Finance and Administration Committee of the Council of Ministers (F&A) when the budget is already approved by the Sectoral Council of Ministers Responsible for Fisheries and Aquaculture. The rationalisation is done without technical experts in the relevant fields. An example was given that F&A objected to the Save Nile Peach Operation while the resources for that activity were available;
- f. The LVFO prepared a number of policy instruments, guidelines and standards, however, there is no specific law to ensure enforcement of those instruments; and

- g. 80% of feeds for fish farms are imported from Brazil, Mauritius and Egypt.

5.3.7 Observations by the Committee

The Committee observed the following issues in relation to the LVFO:

- a. There is a need to enact a regional law governing the activities of the LVFO;
- b. Fish is important to the social economic development of the Community and contributes to food security, employment and income generation. For example, Nile Perch is used for food and raw materials for making shoes and bags;
- c. LVFO is putting more efforts on Nile Perch leaving out other species like tilapia and mud fish;
- d. The fish farming is a medium-term enterprise where the production process takes place within a period of less than a year. However, there is a need for the region to invest in the production of cheap and quality feeds in order to promote aquaculture in the Community;
- e. There are no statistics indicating the percentage of fish consumed within the region as compared with what is exported;
- f. LVFO is doing commendable job but its work lacks visibility;
- g. LVFO's budget depends more on donor financing for example in 2018/2019 donor's contribution was 38% of the total budget while in 2019/2020 donor dependency increased to 49%;
- h. The Republic of Rwanda and the Republic of South Sudan are not Members of the LVFO; and
- i. The LVFO is critically understaffed.

5.3.8 Recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to:

- i. **Prepare and introduce an EAC Fisheries and Aquaculture Bill that will be enforced in all Partner States;**
- ii. **Direct Partner States to honor their financial obligations to LVFO;**

- iii. **Direct the Republic of Uganda to remit its contributions to the LVFO Budget in United States Dollars as per Article 132 (6) of the Treaty;**
- iv. **Direct the EAC Secretariat and LVFO to explore other options of producing quality and cheap fish feeds within the East African Community;**
- v. **Urge the Republic of Rwanda and the Republic of South Sudan to join the LVFO;**
- vi. **Urgently address the understaffed challenge facing LVFO;**
- vii. **Address complaints from Organs and Institutions of the Community concerning their working relationship with the Finance and Administration Committee (F&A); and**
- viii. **Develop guidelines to streamline communication and coordination between Ministries responsible for EAC Affairs and Ministries for Fisheries and LVFO.**

5.4 THE EAST AFRICAN DEVELOPMENT BANK (EADB)

The Committee visited the East African Development Bank (EADB) offices in Kampala on 11th October, 2019, however, the institution did not provide the required information as requested. The representatives from EADB were invited to interact with the Committee on 20th November 2019 in Arusha. However, EADB requested for the meeting to be held in December 2019. The Members agreed to the request and the meeting was conducted on 2nd December, 2019 where EADB was represented by Mr. Chacha Nyamohanga (Treasurer) and Mr. Eric Kenneth Lokolong (Senior Legal Officer).

5.4.1 Establishment of the EADB and governing legal instruments

The EADB was established in 1967 by the founding states of the former East African Community (Kenya, Uganda and Tanzania) as a development finance institution, under Article 21 of the Treaty of the East African Co-operation of June 1967. It started its operations in 1968. The bank was established by a Charter which was annexed as Annex VI to the Treaty of the East African Co-operation 1967. It was created with the mandate to provide development finance, technical support and advisory services.

In 1980, following the collapse of the former East African Community in 1977, the Parties to the Bank (Governments of Kenya, Tanzania and Uganda) decided to re-enact the EADB Treaty and Charter to allow the bank to be independent and autonomous. According to Article 1 of the re-enacted Treaty of the EADB, the bank was to continue to operate notwithstanding any termination, denunciation, suspension, amendment, modification, or any other event or occurrence affecting the validity or effectiveness of the EAC Treaty of 1967 in whole or part. Therefore, the bank operates under the Treaty and Charter of the East African Development Bank 1980.

Article 9 (3) of the Treaty for the Establishment of the East African Community of 1999 recognizes EADB and its Treaty and Charter as one of the surviving institutions of the East African Community.

The EADB's Charter has been incorporated into Members States laws through the EADB Act 2017 of Uganda, EADB Act (Cap. 483) of Kenya, the EADB amended Act of 2005 of Tanzania and the Law No. 39 of 2008 of Rwanda. This means the Charter has to be domesticated in the laws of each member country.

5.4.2 Membership to the Bank

Article 2 of the EADB Charter explains that the original members of the Bank are the three countries that signed the Treaty and Charter together with corporate and institutions that were members at the time the Treaty and Charter were re-enacted in 1980. The same Article empowers the Governing Council (Ministers for Finance) to admit new members to the Bank. The members may be a State from the region, body corporate enterprise or institution. Currently the members of the Bank are the governments of Kenya, Tanzania and Uganda (24% shares each) and the government of Rwanda (13% shares). Other members are the African Development Bank (AfDB) (12% shares) and other institutions which together holds around 3%.

The Committee was informed that the Republic of Burundi was admitted as a member of EADB, however the full membership awaits the payment for her shares. The approved capital of EADB is 2 Billion Dollars whereas the paid-up capital so far is only 300 million Dollars.

5.4.3 Operations of the EADB

The Committee was informed that the EADB was established and mandated as a development bank, operating under international banking principles and standards. It is rated by international agencies as a development bank and is categorized in the same standards like other multilateral development banks such as African Development Bank, World Bank and other international agencies. The funding sources for the EADB operations and administration are from its shareholders, borrowings and related capital market transactions and from international entities. Its sources of funds for the EADB are similar to all other international development financial institutions such as African Development Bank, Inter-American Development Bank, Asian Development Bank and TDB (formerly PTA Bank).

The EADB is audited by auditing firms appointed by the Board of Directors in accordance with Article 35 of the Charter. The bank publishes audited, IFRS compliant, annual financial statements.

5.4.4 Major Development Partners and Other Stakeholders

The major development partners of the bank include African Development Bank Group, Arab Bank for Economic Development in Africa, European Investment Bank, Japan International Cooperating Agency (JICA) and the German State -Owned Development Bank (KfW). Other stakeholders are International Credit Rating Agencies such as Moody's S & P, Fitch; Association of African Development Financial Institutions, Capital Market Authorities in Members States and Stock brokers and investment agencies.

The EADB works with various institutions in the member states including the Development Bank of Rwanda, Centenary Bank and Finance Trust Bank (Uganda), Cooperative Bank, Kenya

Commercial Bank and Kenya Women Trust Fund (Kenya) and Tanzania Investment Bank, CRDB and NMB (Tanzania).

5.4.5 Observations of the Committee

Following the interactive session with the officials from the EADB the Committee made the following observations:

- i. Article 9 (3) of the Treaty for the Establishment of the East African Community recognizes the EADB as one of the institutions of the Community. The Treaty also recognizes the EADB Treaty and Charter;
- ii. Whereas the Treaty for the Establishment of the East African Community recognizes the EADB as one of the institutions of the Community, on the other hand, the EADB does not perceive itself as one of the institutions of the Community because it has its own Treaty and Charter;
- iii. Article 25 of the EADB Charter establishes the banks organization and management structures which are different from the organs of the Community. The EADB structure comprises the Governing Council (Ministers for Finance of Members states); the Board of Directors (Permanent Secretaries for Finance), the Director General and other staff of the bank;
- iv. Article 27 of the EADB Charter provides that all powers of the Bank are invested with the Board of Directors;
- v. EADB is not accountable to the organs of the Community;
- vi. There is no clarity on the relationship between the East African Community (EAC) and the East African Development Bank (EADB);

5.4.6 Recommendations of the Committee

The Committee recommends to the Assembly to urge the Council of Ministers:

- i. To clarify/explain to the Assembly the relationship between the EADB and the EAC;**
- ii. Formalize the working relationship between the EADB and the EAC.**
- iii. Urge the Republic of Burundi to pay up for her shares at the EADB; and**

iv. Urge the Republic of South Sudan to joining the EADB;

6.0 GENERAL OBSERVATIONS OF THE COMMITTEE

- i. EAC Institutions are specialized agencies of the Community contributing to the furtherance of the EAC integration. Therefore, they need to be strengthened and their capacity improved for the Community to reap the benefits of their existence;
- ii. Institutions of the Community are established by Conventions, Protocols and Laws of the Community. Most of the instruments need to be revised due to emerging issues and to match with the institutions mandates and the need of the East African citizens;
- iii. There is a gap in the flow of information between the EAC Institutions and national institutions; as well as the citizens who are the beneficiaries of the activities of the EAC institutions;
- iv. Most of the work of the EAC Institutions are not visible to the Community;
- v. The Community does not have harmonised privileges and immunities to be accorded to the EAC Institutions and staff in the service of the Community;
- vi. Activities of the EAC Institutions are hampered by inadequate financing, delay or non-remittance of Partner States' contributions to their budget and understaffing;
- vii. The EAC Institutions do not have powers to enforce compliance in the Partner States;
- viii. The budgeting process affects some institutions especially during the rationalization of the budget whereby the Finance and Administration Committee of the Council of Ministers (F&A) cuts some relevant programs of institutions without involvement of the concerned institutions.
- ix. Concerns were raised that the Institutional Review does not effectively address the staffing issues of EAC Institutions.

7.0 GENERAL RECOMMENDATIONS


The Committee recommends to the Assembly to urge the Council of Ministers:

- 1. To fast track the review and amendment of all outdated legal instruments governing EAC Institutions;**

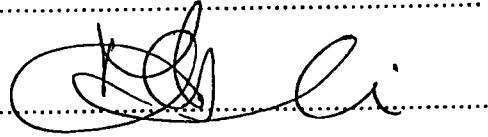
2. To harmonize privileges, immunities and benefits accorded to institutions and officers at the service of the Community;
3. To finalize the alternative financing mechanism for sustainable financing of the activities of the Community;
4. To direct all Partner States to provide diplomatic passports to their citizens working at the Community;
5. To empower institutions with enforcement powers to enable them enforce various instruments and standards they develop;
6. To direct all EAC institutions to develop communication strategies for dissemination of their activities to the people for the benefits of the Community;
7. To develop a guideline on the working relationship and collaborations between the EAC Institutions and national institutions, relevant ministries and coordinating ministries; and
8. To review and improve the budgeting process within the Community. It is proposed that Organs and Institutions of the Community should be involved in the budgeting process.

**REPORT OF THE OVERSIGHT ACTIVITY ON COMPLIANCE WITH THE EAC
PROTOCOLS AND LAWS BY EAC INSTITUTIONS
9TH – 12TH OCTOBER 2019, KAMPALA, UGANDA**

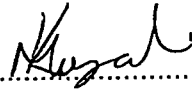
1. Hon. Amb. Fatuma Ndangiza



2. Hon. Fatuma Ibrahim Ali



3. Hon. Kennedy Kalonzo Musyoka



4. Hon. Wanjiku Muhia

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5. Hon. Happiness Elias Lugiko

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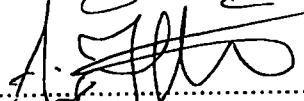
6. Hon. Maryam Ussi Yahya

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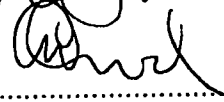
7. Hon. Josephine Sebastian Lemoyan



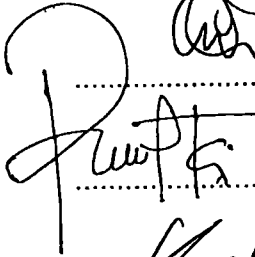
8. Hon. Dr. Leonardo Itto Anne



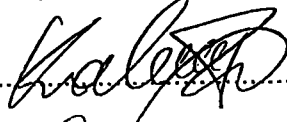
9. Hon. Gai Deng



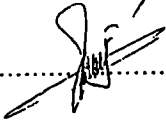
10. Hon. Kim Gai Ruot



11. Hon. Dr. Francois Xavier Kalinda



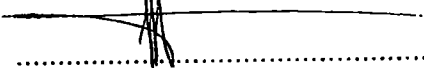
12. Hon. Francine Rutazana



13. Hon. Mukasa Fred Mbidde

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14. Hon. Mwasa Paul Musamali



15. Hon. Susan Nakawuki Nsambu

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16. Hon. Alfred Ahingejeje

.....

17. Hon. Jean Marie Muhirwa



18. Hon. Marie Claire Burikukiye

