

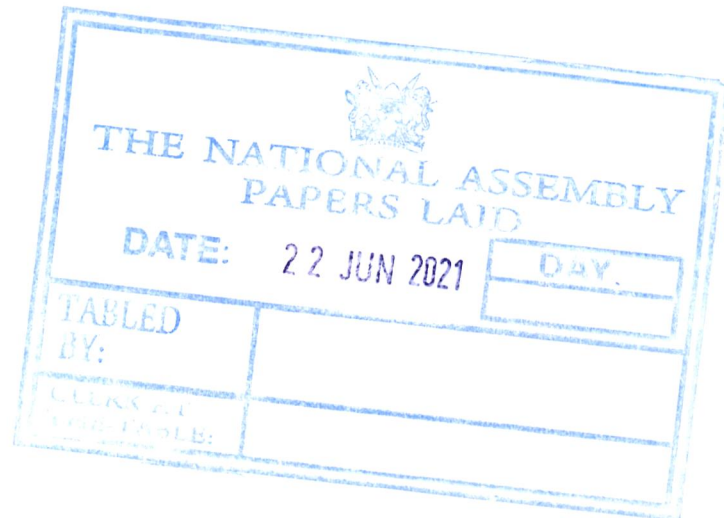


**EAST AFRICAN COMMUNITY  
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**PARLIAMENT  
OF KENYA  
LIBRARY**

**REPORT ON THE CAPACITY BUILDING ACTIVITY FOR  
THE COMMITTEE ON REGIONAL AFFAIRS AND  
CONFLICT RESOLUTION**

**(26<sup>TH</sup> - 29<sup>TH</sup> OCTOBER, 2020)**



**Clerk's Chambers  
3<sup>rd</sup> Floor, EALA Wing  
EAC Headquarters' Building  
Arusha, TANZANIA**

**April 2021**

## ACRONYMS

|               |   |  |
|---------------|---|--|
| <b>CMP</b>    | - | Common Market Protocol                     |
| <b>EAC</b>    | - | East African Community                     |
| <b>EALA</b>   | - | East African Legislative Assembly          |
| <b>ECOWAS</b> | - | Economic Community for West African States |
| <b>AU</b>     | - | African Union                              |
| <b>OSBPS</b>  | - | One Stop Border Posts (OSBPs)              |
| <b>NTBs</b>   | - | Non-Tariff Barriers                        |

## 1.0 INTRODUCTION

The East African Legislative Assembly (EALA) is one of the Organs of the East African Community (EAC). Under the Provisions of Article 49 of the Treaty for the Establishment of the East African Community, the Assembly is mandated to exercise legislative, Oversight and Representative Functions on all matters within the scope of the EAC.

The Committee on Regional Affairs and Conflict Resolution is among the 6 Standing Committees of the Assembly. Rule 79 of the Rules of Procedure provides for appointment of relevant Committees to discharge the functions of the Assembly. Rule 81 of the Rules of Procedure outlines the functions of these Standing Committees. **Annex (5)** (E) provides for specific functions of the Committee on Regional Affairs and Conflict Resolution as hereunder:-

- i) The functions of this Committee would revolve around the implementation of the provisions of the Treaty relating to Regional Affairs; the receipt of reports of the EAC – Sectoral Committees responsible for affairs following the realm; the initiation and conduct of studies, investigations; receipt of reports of complaints for non-compliance and general oversight of the implementation of programmes/projects/legislation in this realm.
- ii) The broad functions hinge on the following provisions of the Treaty, though not limited to them-
  - a) Chapter Seventeen - Free Movement of Persons, Labour, Services, Right of Establishment and Residence.
  - b) Chapter Twenty Three – Co-operation in Political Matters.
  - c) Chapter Twenty Seven – Co-operation in other Fields.
  - d) Chapter Twenty Six – International Organisations and Development Partners.
- iii) The mode of operation involves receipt of briefs and reports from the relevant EAC Sectoral Committee(s) in Chapter Seven of the Treaty. This is in addition to the work in the area which the Committee could initiate on their own volition, or and that referred to it by the Rt.Hon. Speaker and the House.

The Assembly nominated new Members for the Standing Committee on Regional Affairs and Conflict Resolution on 6<sup>th</sup> July 2020 and the tenure of the Members

took effect from 1<sup>st</sup> August, 2020. However, due to the delays in the passing of the EAC Budget for the Financial Year 2020/2021, the activities of the Assembly commenced in October, 2020. During the joint planning meeting of EALA Commission and Committee Chairpersons held on 19<sup>th</sup> October, 2020, it was resolved that all the Standing Committees start with capacity building activity to enhance Members understanding about their mandate.

It is against this background that the Committee on Regional Affairs and Conflict Resolution undertook a capacity building workshop from 26<sup>th</sup> – 29<sup>th</sup> October 2020 via Teams Application. The main Objective of the training was to enable new Members acquire skills and knowledge to help them discharge their mandate.

The Committee interacted with EAC officials from the following departments:

1. Labour and Immigration;
2. International Relations;
3. Peace and security;
4. Political Affairs.

## **2.0 OBJECTIVES OF THE WORKSHOP**

The objectives of the capacity building activity were;

1. To enhance Member's capacity in Conflict prevention, Management and Resolution;
2. To update Members on the EAC Foreign, Security and Defence policies;
3. To assess the implementation of the Common Market Protocol as a critical pillar to the EAC integration process ;

## **3.0 METHODOLOGY**

The Capacity building workshop was a four days participatory training activity which was held via Teams application and involved Members of the Committee on Regional Affairs and Conflict Resolution. The Resource Persons from EAC Secretariat delivered very practical and relevant presentations drawn from different thematic areas followed by question and answer sessions.

#### 4.0 EXPECTED OUTPUTS

1. Capacity of Members to execute the Committee's Mandate strengthened;
2. Enhanced understanding of EAC Foreign, Security and Defence policies.
3. Status of the implementation of aspects of the Common Market Protocol assessed.

#### 5.0. FINDINGS

It should be noted that the Office of Political Federation comprises of three departments namely; Political Affairs, Peace and Security and International Relations. Some of the key programs and activities under Political Affairs include;

- i. Consultation, sensitization and studies on the EAC Political Federation;
- ii. Promotion of good governance in Regional Integration;
- iii. Development and consolidation of democracy and rule of Law, Respect for Human rights and fundamental freedoms and;
- iv. Prevention and fight against corruption, enhancement of ethics, integrity and accountability.

#### ACHIVEMENTS OF POLITICAL AFFAIRS

The department of Political Affairs has registered the following key milestones in the past ten years:

- i. **East African Community Political confederation.** The Heads of State resolved to examine ways of expediting the process towards Political Federation as one of the pillars of political integration. Political confederation a transitional mode to Political Federation has been steered through the Wako Committee, consultation and sensitization the East Africans.
- ii. **EAC Program on good governance** has created a platform for national institutions of governance to exchange information, share experiences and dialogue on policies, strategies, laws and programs with a view to developing regional standards.
- iii. **Preventing and combating corruption to enhance ethics and Integrity:** In this regard, the Council of Ministers established the Sectorial Committee on preventing and combating corruption.
- iv. **Upholding constitutionalism, Rule of Law and Access to Justice** contributes to harmonization of laws, policies and strategies to access justice and upholding the rule of law in the region.

- v. **EAC University Students Debate** aims at promoting continuous dialogue among EAC youth and sensitize them on the benefits and challenges of EAC Integration.

### **On Going Activities**

- i. The EAC Annual conference on good governance;
- ii. Constitution making national consultations;
- iii. Election Observation Missions in the Partner States;
- iv. EAC dialogue on Political Integration;
- v. The EAC University students debates and;
- vi. Research and publication of EAC Occasional Paper

### **CHALLENGES**

- i. Absence of a specific sectoral council on political affairs has been a bottleneck to decision making in political affairs;
- ii. The absence of the sectoral council also leads to the delayed consideration or adoption of different recommendations made by the sectors;
- iii. Lack of a mechanism for follow up and monitoring implementation of Council decisions;
- iv. Sectoral Council on Foreign Affairs has not met for the last two years and;
- v. Inadequate staffing and financial constraints impede the support for political integration even on non-controversial issues.

### **5.1 LABOUR AND IMMIGRATION**

Pursuant to Articles 76 and 104 of the Treaty for the establishment of the East African Community, 1999 the EAC Common Market Protocol was concluded. Free movement of workers in the EAC is guided by the various provisions of the Protocol, In Articles 5, 7, 8,9,10,11,12,13 and 14.

The Protocol on the Establishment of the East African Community (EAC) Common Market (CMP) was signed by the Heads of State on 20<sup>th</sup> November 2009, coinciding with the 10<sup>th</sup> Anniversary celebrations of the revived Community. The Protocol entered into force on 1<sup>st</sup> July 2010, following ratification by all the five Partner States at the time: Burundi, Kenya, Rwanda, United Republic of Tanzania and Uganda. The Common Market represents the second stage of the regional integration process (as defined by the Treaty for the Establishment of the East African Community), following the Customs Union, which became fully-fledged in January 2010.

The CMP was a significant step towards the achievement of the EAC Monetary Union and the EAC Political Federation. The establishment of the East African Community Common Market is in line with the provisions of the EAC Treaty.

It provides for “*some Freedoms*”, namely;

1. Free movement of goods;
2. Free movement of persons;
3. Free movements of workers;
4. Right of establishment;
5. Right of residence and;
6. Free movement of capital.

All these are significant in boosting trade and investment and making the region more productive and prosperous. The establishment of the Common Market is progressive in accordance with the relevant laws of the Community and those of the Partner States.

### **Achievements**

- i) Operationalization of the Single Customs Territory;
- ii) Development and implementation of harmonized customs training and Curriculum;
- iii) Interconnectivity of Custom IT systems;
- iv) Implementation of harmonized EAC rules of origin;
- v) Enhancement of clearance of goods and removal of NTBs eg Cargo from Mombasa- Kampala- Kigali takes 3-4 days from originally 18- 21 days and;
- vi) Establishment of 15 One Stop Border Posts (OSBPs) to facilitate movement of persons and goods at all busy exit/entry point.

### **Challenges of implementing the EAC Common Market Protocol**

- i) Delayed harmonization of National Laws that impact on the implementation of the EAC Common Market Protocol;
- ii) Inadequate timeframe to inform the process of monitoring the freedom and rights embedded in the EAC Common Market protocol;

- iii) Prioritization of the EAC Common Market Protocol in the national plans and budgets to enable the realization of freedoms and rights in the protocol and;
- iv) Limited awareness creation on the provisions of the protocol to key stakeholders.

#### **Progress so far Registered**

- (i) Adoption by Council of the harmonized entry/work/residence permits fees, forms and application procedures within the EAC Common Market framework;
- (ii) Development of draft framework on the exchange of young workers amongst the Partner States;
- (iii) Completion, validation or piloting of Man Power Surveys by the Republics of Rwanda, Kenya, Burundi, Uganda and the United Republic of Tanzania;
- (iv) Development of the EAC Scorecard 2018 on the Free movement of Persons, Right of Establishment and Residence in preparation for validation;
- (v) Development of the EAC Draft Refugee Management Policy; and
- (vi) Development of the EAC Draft Labour Migration Policy.

#### **6.0 EAC CONFLICT, PREVENTATION, MANAGEMENT AND RESOLUTION**

The EAC Conflict Mechanism has been developed to facilitate implementation of the East African Community Strategy on Regional Peace and Security goals 14 and the EAC Peace and Security Protocol (Articles 2 and 4) and the overall to achieve the objectives of the Treaty for the establishment of the EAC.

This Mechanism is intended to enable EAC to engage in Conflict prevention, management and resolution within the EAC region by way of providing an operational framework for effective implementation of decisions taken in the areas of Conflict prevention, Peacemaking, Peace support and Security. This is done through;

- i. Identification of potential sources of Conflict and formulation of response options;
- ii. Provision for anticipation and pre-emptive measures to address conflict situation;



- iii. Development of capacity for mediation, negotiation and dialogue to forestall and diffuse conflicts;
- iv. Elaboration of modalities for intervention and stabilization of conflict situations;
- v. Provision of a framework for facilitation of post- conflict recovery, reconstruction and sustainable peace, security and development;
- vi. Sensitization and popularization of EAC CPMR initiatives;
- vii. Enhancement of the EAC's anticipation and planning capabilities in relation to regional tensions;
- viii. Development of capacities in the EAC Secretariat and in Partner States to anticipate and mitigate conflicts;
- ix. Operationalization of a Conflict Early Warning Mechanism to facilitate anticipation, preparedness and early response to prevent, contain and manage conflicts and crisis situations in the EAC region;
- x. Development of preventive action;
- xi. Facilitation and support of negotiation mediation and dialogue capacity for the EAC;
- xii. Provision of appropriate mechanisms for conflict management;
- xiii. Provision of an EAC Panel of Eminent persons, Special Envoys and Representative;
- xiv. Provision for conflict resolution and;
- xv. Provision for an EAC Peace Fund.

The Treaty establishing the EAC recognizes peace, security and stability as pre-requisites for the achievement of economic integration and socio-economic development. The Vision of EAC is to have a peaceful, stable and politically untied East Africa, where East Africans can live in peace, conviviality and prosperity. The way forward for EAC to be a peaceful and stable region is to have legal and Institutional frameworks and mechanisms to provide it with Institutional capacities governing Partner States interactions on matters of Peace and Security which the EAC CPMR mechanism is intended to address.

The CPMR Mechanism engages the EAC at three different levels;

- i. Conflict Prevention

- ii. Conflict Management
- iii. Conflict Resolution

### **CONFLICT PREVENTION**

The first pillar of conflict prevention is Early Warning which is an activity conducted ahead of steep escalation of conflict. It involves continuous monitoring of potential conflict areas and a process for the continual updating of risk assessments; this is done years in advance. Early warning involves information gathering, analysis, dissemination and formulation of response option. This implies the creation of a Panel of Special Representatives /Envoys whose mission is to forestall and diffuse tension before they degenerate into open conflicts and crisis.

### **CONFLICT MANAGEMENT**

Conflict management involves negotiation and mediation, Peace support operations and Humanitarian assistance. This entails the involvement of the EAC Panel of Eminent Personalities to carry out peacemaking activities, negotiation dialogue and mediation. Conflict management entails the training of a team of Mediator Experts to support the work of Eminent Persons, Representatives and Special Envoys.

### **CONFLICT RESOLUTION**

This involves the long-term post conflict interventions including

- i. Reconciliation, truth and reconciliation commission
- ii. Peace building, post conflict reconstruction and development

It should be noted that the modalities for implementation have been developed; An EAC Early Warning Mechanism has been established with a regional early warning center and a situation room.

An instrument for the establishment of EAC Panel of Eminent Persons was adopted by the EAC summit of Heads of State. The establishment of EAC Panel of Eminent Persons is consistent with the provisions of the EAC Treaty (articles 6, 123 and 124) and the strategy for regional peace and security.

The Peace Fund was adopted to support the implementation of the CPMR Mechanism.

## **7.0 INTERNATIONAL RELATIONS**

The Department of International Relations draws its specific mandate from the provisions of Article 123 of the Treaty which calls on the Partner States to develop Common Foreign Policies.

The programs and activities under this department include initiating measures aimed at harmonizing Partner States Common Foreign Policies; strengthening engagement of the Partner States Diplomatic Missions in the pursuit of the Community objectives and mobilizing other countries and sub-regional/ international organizations to support EAC integration objectives.

### **Programs of the International Relation Department**

- i. Fostering cooperation in diplomatic and consular services;
- ii. Promoting support for East Africans to access jobs of influence in the international system;
- iii. Coordination of relations with the United Nations;
- iv. Coordination of relations with the AU Commission and;
- v. Follow up on the admission of the Republic of Somalia and Democratic Republic of Congo (DRC) into EAC;

## **8.0 OBSERVATIONS**

The following observations were made:

- i) The Committee observed that free movement of persons seeking jobs, movement of labour and right of establishment remains on paper, national laws still have provisions that hinder the full implementation of the Common Market Protocol.
- ii) The Committee noted with concern restrictions for students to access education in higher Institutions of learning within the Region as well as access to students passes which is pre-requisite for their free movement.
- iii) The Committee observed that there is a serious funding challenge for the Directorate of Political Federation which covers the departments of Political Affairs, international Relations, Peace and Security. It was noted that about 90% of the budget is being outsourced from External Development Partners.
- iv) The Committee noted shortage of Staff within the Directorate of Political Federation for example the departments of Political Affairs and International Relations have one expert respectively. The non-

recruitment of required staff is impacting negatively on the execution of planned activities of the Directorate.

- v) The issue of sovereignty and protectionism in some Partner States has resulted into unequal treatment of EAC citizens and realization of full implementation of the Common Market Protocol.
- vi) The Committee observed delays in the signing of Protocols, Ratification and Domestication. It was further noted that there is a slow pace in implementation of Protocols and enactment of related laws that are meant to create an enabling environment for the realization of the Common Market Protocol.
- vii) The Committee further observed that effective implementation of protocols requires institutional set up and legal framework.
- viii) There is lack of standardized laws regarding investment, movement of persons and doing business in the EAC.
- ix) The Committee noted that Conflict triggers emanating from trade related disputes across the borders.
- x) The Committee noted with great concern the non-convening of the Sectoral Council on Foreign Affairs.
- xi) The Committee observed that the Protocol on Common Market provides for the free employment of East African Citizens in the region. It was however noted that there are still concerns related to the harmonization of curricula, examination standards, certification and accreditation of educational and training institutions.

## **9.0 RECOMMENDATIONS**

In view of the above, the Committee recommends to the Assembly to Urge the Council of Ministers to:

- i) Ensure that all Partner States remove restrictions towards free movement of persons, labour and right to establishment as well as harmonize their laws concerning movement of students and work permits for East Africans.
- ii) Strengthen the implementation of EAC Peace and Security architecture including early warning system for conflict prevention and resolution. EAC is encouraged to benchmark with ECOWAS and AU in the area of peace and security.


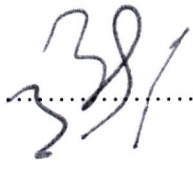

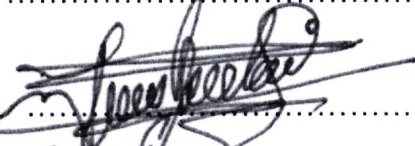
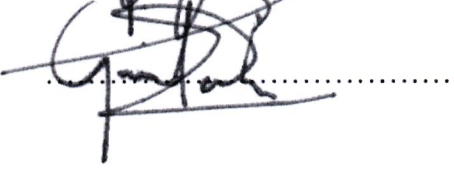

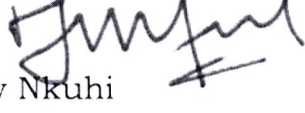
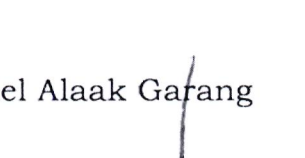
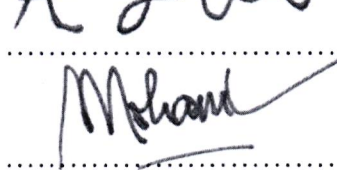




- iii) Fast track standardization and harmonization of laws regarding investment, free movement of persons and doing business in EAC region.
- iv) Expedite the signing and ratification of protocols as well as enact laws that create an enabling institutional and legal environment for effective implementation of the Common Market Protocol.
- v) Remove pending reservations within the Common Market Protocol to ensure equal treatment of EAC Citizens and strive for a competitive and market driven economy.
- vi) Provide adequate funding to the critical sectors of Political Affairs and Peace and security to enhance political stability in the EAC region.
- vii) Expedite the recruitment process for effective service delivery.
- viii) The Committee recommends to the Assembly to urge the Council of Ministers to task the Sectoral Council on Foreign Affairs to convene its meeting and make decisions on pending issues affecting the Directorate of Political Federation.
- ix) Urge the Sectoral Council on Foreign Affairs to consider establishment of a Candidature Committee for purposes lobbying and mobilising support as one block during presentation of candidates from the EAC region for Continental and global Leadership positions.

## **10 CONCLUSION**

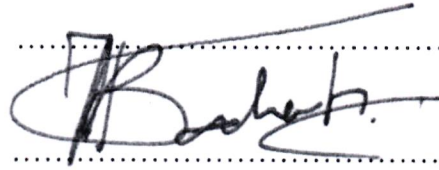
The Capacity building workshop for the Committee on Regional Affairs and Conflict resolution provided a unique opportunity for Members to enhance the understanding about their mandate. Members were informed about the work of Political Affairs, International relations and Peace and Security departments as well as assessed the status of progress and challenges encountered. The Committee is optimistic that observations and recommendations made to the Assembly will be given utmost attention by the Council of Ministers.

The Committee on Regional Affairs and Conflict resolution wishes to thank the Rt. Hon. Speaker, the Office of the Clerk and the entire administration of the Assembly for prioritizing the capacity building of Members. The Committee looks forward to continuous capacity enhancement to effectively discharge its mandate. The Committee further appreciates the valuable time and information accorded to it by the EAC Secretariat from the Directorate of Political Federation. The Committee therefore recommends that the report be adopted by the House.

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTIONS ON THE CAPACITY BUILDING ACTIVITY HELD FROM 26<sup>TH</sup> TO 29<sup>TH</sup> OCTOBER, 2020**

1. Hon. Amb. Fatuma Ndangiza ..... 
2. Hon. Victor Burikukiye ..... 
3. Hon. Rose Akol Okullu ..... 
4. Hon. Mary Mugenyi ..... 
5. Hon. Dr. Pierre-Celestin Rwigema ..... 
6. Hon. Gideon Gatpan Thoar ..... 
7. Hon. Dr. Ngwaru J. Maghembe ..... 
8. Hon. Josephine Lemoyan ..... 
9. Hon. Fancy Nkuhi ..... 
10. Hon. Gabriel Alaak Garang ..... 
11. Hon. Dr. Anne Itto Leonardo ..... 
12. Hon. Adan Noor ..... 
13. Hon. Lawrence Mpuru Aburi ..... 

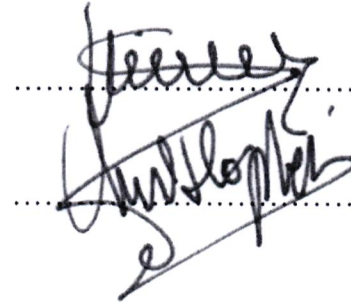
14. Hon. Dr. Oburu Oginga

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15. Hon. Alex Bahati

16. Hon. Chris Opoka Okumu

17. Hon. Mo-Mamo Karerwa

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18. Hon. Christopher Nduwayo