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GAI DENG NhaiL

ON 1st October 2019


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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND
INVESTMENT ON THE STATUS OF RATIFICATION OF THE AMENDED ARTICLE
24(2)(a) OF THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN
CUSTOMS UNION TO PROVIDE FOR THE ESTABLISHMENT OF THE TRADE
REMEDIES COMMITTEE**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 07 NOV 2019	DAY: THURSDAY
TABLED BY:	<i>Hon. Aden Duale Leader of Majority Party</i>
CLERK-AT THE-TABLE:	<i>Lemno Moses</i>

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

September 2019

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ACRONYMS

AfCFTA	African Continental Free Trade Area
CET	Common External Tariff
EAC	East African Community
EALA	East African Legislative Assembly
NTBs	Non- Tariff Barriers

1.0 INTRODUCTION

The East African Legislative Assembly (EALA) is one of the Organs of the East African Community (EAC) established under Article 9 of the Treaty. 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. Currently, the Committee on Communication, Trade and Investment is one of the 6 Standing Committees of the Assembly. Annex 5 (c) of the Rules of Procedure of the Assembly provides for the specific functions of the Committee on Communication, Trade and Investment as follows:

1. The main functions of this Committee are broadly to receive reports on the status of implementation of the provisions of the Treaty falling within their mandate; complaints of non-compliance in facilitating the achievement of the objectives/goals of the Treaty: oversight of work and activities of the Sectoral Committee of the EAC and Organs charged with implementation of provisions in this realm.
2. The broad functions in 1 above shall hinge on the following provisions of the Treaty, but not limited to them, these are-
 - a) Chapter Eleven-Co-operation in Trade, Liberalization and Development;
 - b) Chapter Twelve-Co-operation in Investment, and Industrial Development;
 - c) Chapter Thirteen-Co-operation in Standardization, Quality Assurance, Metrology and Testing;
 - d) Chapter Fourteen-Monetary and Financial Co-operation;
 - e) Chapter Fifteen-Co-operation in Infrastructure and Services;
 - f) Chapter Twenty Five-The Private Sector and Civil Society;
 - g) Chapter Twenty Six-Relations with other Regional and International Organization and Development Partners.

In light of the above, the main function of the Committee on Communication, Trade and Investment is to receive reports on the status of implementation of the provisions of the EAC Treaty falling within its mandate, complaints of non-compliance in facilitating the achievement of the objectives of the EAC as enshrined in the Treaty.

In the exercise of its oversight mandate, the Committee on Communication, Trade and Investment held meetings and interacted with stakeholders in all the Partner States from 2nd – 4th September, 2019 to assess the status of ratification of the amended

Article 24(2)(a) of the Protocol on the Establishment of East African Community Customs Union to provide for establishment of the Trade Remedies Committee.

2.0 OBJECTIVES OF THE OVERSIGHT ACTIVITY

The principal objective of the oversight activity was to assess the status of ratification of the amended Article 24(2)(a) and the implication of the delayed establishment of the Trade Remedies Committee. It was expected that, during this assignment the Committee would be able to assess the progress made by the Partner States in the ratification of the above Article of the Customs Union Protocol by, among others:

- a) appreciating the procedure of ratification of international laws/instruments in each of the Partner States;
- b) understanding the reasons for the delayed ratification and challenges, if any, encountered by the Partner States in the ratification of the said provision of the Protocol; and
- c) examining the implication of the delayed ratification on the implementation of the EAC Elimination of Non-Tariff Barriers Act, 2017.

3.0 METHODOLOGY

During the oversight activity, the Committee:

- i) held meetings with officials from the Ministries responsible for EAC Affairs, the Ministries of Trade, the Ministries of Foreign Affairs, Offices of the Attorneys General and Members of Parliament on the Committees on Trade;
- ii) interacted with officers from the EAC Secretariat from the Directorate of Trade;
- iii) consulted with and got the views of the East African Business Council on this subject matter; and
- iv) prepared a report on the above subject matter for consideration by the Assembly.

4.0 BACKGROUND INFORMATION

4.1 The Customs Union Protocol

The Protocol on the Establishment of the East African Customs Union was signed in December 2004 and its implementation by the three founding EAC Partner States (The Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania) commenced on 1st January 2005. The Republics of Burundi and Rwanda joined the EAC in July 2007 while the Republic of South Sudan became a Member of the EAC in November, 2016.

As a key pillar and first stage of EAC integration process the Customs Union has key features which include: Trade Facilitation, Common External Tariff (CET), Elimination of Internal Tariffs Program, Mechanism for identifying and monitoring removal of NTBs, Rules of Origin, National Treatment, Anti-Dumping Measures, Subsidies and Countervailing Measures, Safeguard Measures, Dispute Settlement Mechanism, Export Promotion Schemes and the EAC Customs Management Act, 2004.

4.2 The Trade Remedies Committee

Article 24 of the Protocol on the Establishment of the East African Customs Union provides for the establishment of the East African Community Committee on Trade Remedies. Precisely, **Article 24(1)** provides for the mandate of the Committee as thus:

"For purposes of this Protocol, there is hereby established an East African Community Committee on Trade Remedies (hereinafter referred to as "the Committee" to handle any matters pertaining to:

- a) Rules of origin provided for under the East African Community Customs Union (Rules of Origin) Rules,
- b) Anti – dumping measures provided for under the East African Community Customs Union (Anti-Dumping Measures) Regulations.
- c) Subsidies and countervailing measures provided for under the East African Community Customs Union (subsidies and Countervailing Measures) Regulations
- d) Safeguard measures provided for under the East African Community Customs Union (safeguard Measures)
- e) Dispute settlement provided for under the East African Community Customs Union (Dispute Settlement Mechanism) Regulations,
- f) Any other matter referred to the Committee by Council".

4.3 Composition and Membership of the Committee

Article 24(2) of the Customs Union Provides for the composition and membership of the EAC Committee on Trade remedies follows:

Article 24 (2) (a) **The Committee shall be composed of nine members, qualified and competent in matters of Trade, Customs and law.**

- (b) Each Partner State shall nominate three members to the Committee.

4.4 Functions of the Committee

Article 24(4) of the Protocol provides that the functions of the Committee shall be as follows:

- a) Initiate, through the investigating authorities of the Partner States, investigation on disputes under the regulations in paragraph 1 of the Article;
- b) Make affirmative or negative determinations on investigation arising from sub-paragraph (a) of this paragraph;
- c) Recommend provisional measure to prevent injury to a domestic industry where preliminary affirmative determination has been made under any matter in paragraph 1 of the Article;
- d) Undertake consultation with Partner States and other countries on matters before it;
- e) Report to the council on all determinations in relations to matters that are submitted to it and decision made by it;
- f) Provide advisory opinion to the Partner States in relation to matters under paragraph 1 of the Article;
- g) Review annually the implementation and operations of the matters in paragraph 1 of the Article;
- h) Issue public notices under the matters in paragraph 1 of this Article;
- i) Facilitate consultations by Partner States and parties to the dispute before it, to ensure timely fulfilment of all requirements by parties to the dispute and provide advice as may be appropriate;
- j) Administer and manage the dispute settlement mechanism; and
- k) Undertake any functions that may be assigned to it by any regulation under the Protocol or by the Council.

4.5 Amendment of Article 24(2)(a) of the Protocol

At its 10th Ordinary Meeting held on 29th April 2009, the EAC Summit of Heads of State approved the amendment of Article 24 (2)(a) of the Protocol on the Establishment of East African Community Customs Union. The amendment removed the word "**nine**" from paragraph 2(a) of that Article. The effect of this amendment was/is that the membership of the Committee became open ended. The text of the amendment was as follows:

"The Committee shall be composed of members, qualified and competent in matters of trade, customs and law"

5.0 FINDINGS

While undertaking this oversight activity, the Committee made the following findings:

5.1 Efforts made by the relevant EAC Organs

- i. In a letter dated 18th January 2013, the then Director General, Customs and Trade, Mr. Peter N. Kiguta (acting on behalf of the Secretary General) wrote to the Partner States requesting them to nominate members to the EAC Committee on Trade Remedies (**Annex 1**).
- ii. Between March–July 2013, all the five Partner States (the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the Republic of Uganda and the United Republic of Tanzania) submitted the names of Persons to Constitute the EAC Committee on Trade Remedies (**Annex 2**).
- iii. At its Meeting held from 27th October to 1st November 2014, the Sectoral Council of Legal and Judicial Affairs, while considering the operationalization of the EAC Trade Remedies Committee, noted that the Partner States were yet to ratify the amendment of Article 24 (2)(a) of the Protocol.
- iv. In the same meeting above, the Sectoral Council underscored the need for the Partner States to expedite the ratification process and to deposit the instruments of ratification by 28th February 2015, to enable the operationalization of the Trade Remedies Committee.
- v. In his letter dated 10th November 2014, the then Deputy Secretary General (Political Federation), Mr. Charles Njoroge transmitted to Partner States the approved amended Article 24 (2)(a) of the Protocol on the Establishment of the East African Community Customs Union (**Annex 3**).
- vi. At its sitting of 27th February 2016, convened in Arusha, Tanzania, the Sectoral Council of Trade, Industry, Finance and Investment, among others, directed Partner States to deposit with the Secretary General instruments of ratification of the amended Article 24(2)(a) of the Protocol on the Establishment of the East African Customs Union by 15th August 2016.
- vii. While acting on behalf of the Secretary General, in his letter dated 23rd August 2017, the Director General, Customs and Trade, Mr. Kenneth Bagamuhunda reminded all the Partner States about the above directive of the Sectoral Council of Trade, Industry, Finance and Investment and the need to deposit instruments

of ratification of the amended Article 24(2)(a) of the Protocol on the Establishment of the East African Customs Union by 30th October 2017 **(Annex 4)**.

- viii. In the report of the Committee on Communication, Trade and Investment titled, "*The Status of Implementation of the Single Customs Territory in the EAC Partner States*" that was debated and adopted by the House in February 2019, on page 30 the House urged the Council of Ministers to expedite the establishment of the Trade Remedies Committee. The same report was transmitted to Partner States for action.

5.2 Indifference by Partner States

- i. During the Committee's interaction with stakeholders, all officials representing the Ministries responsible for EAC Affairs in the Republics of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania confirmed receipt of the letters from the Secretary General urging Partner States to expedite the process of ratification of Article 24(2)(a) of the Customs Union and deposit the instruments of ratification.
- ii. In the Republic of South Sudan, the officials representing the Ministry responsible for EAC Affairs neither confirmed nor denied receipt of the said letters from the Office of the Secretary General on this subject matter. The only explanation they gave was that the Ministry had internal administrative challenges in the year 2017 when the Director General, Customs and Trade wrote to them on the same subject matter.
- iii. While the Partner States confirmed receipt of the various letters requesting them to expedite the process of ratification, no action had been taken at the time of carrying out this activity, with the exception of the Republics of Burundi and Kenya. The Republic of Burundi informed the Committee that the amended provision of the Protocol was before the National Assembly for consideration. In his letter to the Clerk of EALA dated 17th September 2019, the Principal Secretary, Ministry of East African Community and Regional Development informed the Committee that the matter was before the Kenya National Assembly awaiting approval **(Annex 5)**.

- iv. Despite several reminders by the Secretary General, no Partner State made an effort to respond to these reminders or at least inform the Secretary General about the delayed ratification or reasons for not ratifying the said provisions of the Protocol.
- v. Shortly after the Committee undertook this oversight activity, on 6th September 2019, Ms. Urujeni Bakuramutsa, the Permanent Secretary, Ministry of Foreign Affairs and International Cooperation, Republic of Rwanda wrote to the Secretary General informing him that the Republic of Rwanda found out that the text of the amended Article 24(2)(a) that was sent to them for ratification was "*not signed by the competent authority and was not in the format of law*". In the same letter, the Permanent Secretary requested the Secretary General "*to resubmit a dully signed text of amendment in the format of law to enable the Republic of Rwanda start the process of ratification*" (**Annex 6**).

5.3 Ratification of legal instruments in Partner States

The Committee noted that the procedure of ratification of international instruments such as the Treaty and Protocols is more or less the same in all the Partner States. The following are the salient features of the ratification process in the EAC Partner States:

- i. The Sector Ministry takes the lead by initiating the process whereby it convenes a Sector Working Group meeting to get the inputs of other affected government institutions/sectors.
- ii. The Instrument together with comments from the affected sectors is forwarded to the Office of the Attorney General for legal advice.
- iii. After the legal input from the Office of the Attorney General, the Sector Ministry prepares a Cabinet Memorandum and forwards the instrument to Cabinet for consideration.
- iv. Once Cabinet approval is secured, in most Partner States, the Instrument is taken to Parliament for Approval. Parliament may approve with or without amendments or even decline to approve the Instrument.
- v. After Parliamentary approval, in some Partner States, the Instrument is prepared and signed by the President while in other cases, the Cabinet Secretary/Minister in Charge of Foreign Affairs prepares, signs and deposits the Instrument of ratification with the requisite Depository body.

6.0 SPECIFIC OBSERVATIONS

6.1 Implication of the delayed ratification on the EAC Elimination of NTBs Act, 2017

- i. The delayed ratification of the amended Article 24(2) of the Protocol and establishment of the EAC Trade Remedies Committee makes it impossible to effectively implement the EAC Elimination of Non-Tariff Barriers Act, 2017 especially Section 12(2), (3) and (4) which allows the Council of Ministers to refer matters on elimination of NTBs to the EAC Committee on Trade Remedies.
- ii. The non-existence of the Committee on Trade Remedies makes it impossible for the Council of Ministers to refer matters of elimination of NTBs to the EAC Committee on Trade Remedies as provided for in the Act. This implies that any person aggrieved by a directive, decision, or recommendation of the Council may refer such matter to the East African Court of Justice. Such litigation would be exorbitantly expensive and time-consuming for most traders and businesses.

6.2 Impact of the delayed ratification on the Business Community

- i. Given the fact that Committee on Trade Remedies is supposed to handle any matters pertaining to Rules of Origin, Anti-Dumping Measures, Subsidies and Countervailing Measures; Safeguard Measures; and Dispute Settlement Mechanism further delay will impact negatively the business community and traders as there is no dedicated Committee to handle these matters which have bearing impact on businesses.
- ii. Further delay implies that all the issues/challenges arising out of trade related aspects such as Rules of Origin, Anti-Dumping Measures/Regulations; Safeguard Measures; Safeguard Measures, Dispute Settlement Mechanism Regulations cannot be effectively addressed because the Committee dedicated to handle these regulations has not been established and operationalized.
- iii. Further delay implies handling disputes such as Rules of Origin, NTBs, Other Charges of Equivalent Effect, and Discriminatory Tax Practices prohibitively becomes more expensive for traders as it may involve litigation or negotiation among EAC Partner States after an alleged violation of trade measures has occurred. Currently, the time frame for resolving trade disputes or elimination of

identified NTBs is too long and depends on winding EAC processes such as bilaterals between the Partner States.

- iv. Further delay has a negative impact on intra-EAC trade. According to the EAC Trade and Investment Report 2016, intra- EAC exports declined from US\$3.2 billion in 2015 to US\$2.6 billion in 2016 representing 17.4% due to an inadequate trading regime which restricts the export of certain commodities to Partner States. Lack of product diversification and existence of Non-Tariff Barriers in the region have continued to affect intra-regional trade among other factors.

6.3 Available Dispute Resolution Mechanism

Due to the delayed operationalization of the Trade Remedies Committee, the Business Community/traders have been compelled to use the available dispute resolution mechanisms in the Community to address challenges faced while conducting trade in the EAC region. However, the current dispute resolution mechanism is lengthy, unpredictable and time-consuming and costly to the businesses. The current dispute resolution mechanism includes:

- a) National and Regional Monitoring Committees of Non-Tariff Barriers.
- b) Bilateral Meetings between EAC Partner States.
- c) EABC reports challenges to the EAC Secretariat which channels the issue to respective EAC Organs (Committee, Sectoral Council, Council or Summit of Heads of States) for proper directives/decisions.
- d) Litigation through the East African Court of Justice.

7.0 GENERAL OBSERVATIONS

- i. While the Protocol on the Establishment of the East African Customs Union came into force on 1st January 2005, the founding Members of the EAC never made effort to operationalise the EAC Trade Remedies Committee in accordance with the Provisions of Article 24(2) of the Protocol. By the time the Summit amended Article 24(2)(a) in October 2009, the Committee should have been operational since all the Partner States then had ratified the Protocol.
- ii. The original provision of Article 24(2)(a) of the Customs Union Protocol had capped the membership of the EAC Committee on Trade Remedies at nine(9). Therefore,

the amendment of this provision by the Summit of Heads of State in 2009 was necessary to allow the increase in membership of the Committee following the admission of the Republics of Burundi and Rwanda in July 2007, and to further accommodate more representation in future in the event of more countries joining the EAC.

- iii. Whereas in the year 2013 all the Partner States submitted their nominations for the Trade Remedies Committee, the Committee could not be operationalised until the ratification process was concluded and all the Partner States deposited the instruments of ratification with the Secretary General.
- iv. While the Summit approved the amendment of Article 24(2)(a) of the Customs Union in October 2009, it took the Secretary General five years (10th November 2014) to transmit to the Partner States the approved amendment for ratification. This unjustified delay raises serious questions about the level of commitment to the EAC integration the Office bearers had at that time.
- v. The month of October 2019 marks ten years since the Summit of Heads of State approved the amendment of Article 24(2)(a) of the Customs Union Protocol to pave way for the operationalisation of the Trade Remedies Committee. A decade later, as the House debates this report, none of the Partner States has ratified the aforementioned provision of the Protocol thus making it impossible to constitute this important Committee.
- vi. While in his letter to the Clerk of EALA dated 17th September 2019, the Principal Secretary, Ministry of EAC and Regional Development, Republic of Kenya informed the Committee that the matter was before the Kenya National Assembly for consideration, the Committee was unable to ascertain when exactly the Republic of Kenya commenced the process of ratification of Article 24(2) of the Customs Union Protocol.
- ix. Whereas the concerns raised by Ms. Urujeni Bakuramutsa, the Permanent Secretary, Ministry of Foreign Affairs and International Cooperation, Republic of Rwanda in her letter dated 6th September 2019 need to be addressed, the Committee was concerned as to why it had to take the intervention of the Assembly for the Ministry to respond, four (4) years since the Secretary General wrote to the Partner States about this subject matter.

- vii. In light of the ratification process in the Partner States, it is apparent that the responsible technical officers in the Ministries in charge of EAC Affairs failed in their duty to advise their respective Permanent/Principal Secretaries or personally initiate the process of ratification of the amended Article 24(2)(a) of the Customs Union Protocol. To this end, they are culpable for the unjustified delay.
- viii. While the Committee commends the Council of Ministers and the Summit for the initiative of amending Article 24(2)(a) of the Customs Union Protocol, and the EAC Secretariat for the constant reminders to Partner States to expedite the process of ratification, the Committee expresses its displeasure at the manner in which the Partner States handled this matter. The unjustified delayed ratification of Article 24(2)(a) of the Customs Union Protocol by Partner States undermines the spirit of integration.
- ix. Despite the delayed ratification, all the Partner States pledged their commitment to expedite the ratification process. They undertook to conclude the ratification of the amended provision of the Protocol and have the instruments deposited with the Secretary General at the earliest possible opportunity.
- x. It is apparent that the signing of the African Continental Free Trade Area (AfCFTA) will lead to increased volumes of trade in the region and there will be NTBS of continental and global nature. The EAC should create safeguards to enable the region engage firmly in continental and global trade. Therefore, it is important that the Partner States expeditiously ratify Article 24(2)(a) of the Customs Union Protocol and operationalise the EAC Committee on Trade Remedies to address issues of dumping, subsidies and surge of imports.

8.0 RECOMMENDATIONS

In view of the foregoing, the Committee recommends as follows:

1. The Assembly to urge the Council of Ministers to urge the Partner States to conclude the process of ratification of Article 24(2)(a) of the Protocol on the Establishment of the East African Customs Union and deposit instruments of ratification with the Secretary General by 28th February 2020.
2. The Secretary General should transmit to the Republic of South Sudan the amended provision of Article 24(2)(a) of the Protocol on the Establishment of the

East African Customs Union by 20th October 2019 to enable them expedite the process of ratification of the same.

3. The Secretary General should respond to the concerns raised by the Republic of Rwanda in the letter of the Permanent Secretary, Ministry of Foreign Affairs and International Cooperation, Republic of Rwanda dated 6th September 2019, not later than 15th October 2019.
4. The Council of Ministers should operationalise the East African Committee on Trade Remedies by 30th April 2020.
5. The Council of Ministers recommends to the Summit of Heads of State sanctions against any Partner State that will not have ratified Article 24(2)(a) of the Protocol on the Establishment of the East African Customs Union Customs Union and deposited instruments of ratification with the Secretary General by 28th February 2020.

**EAST AFRICAN COMMUNITY
SECRETARIAT**

Annex 1

P.O. Box 1096
ARUSHA, TANZANIA



Tel: 255-27-2504253/8
Fax: 255-27-2504255/2504481
E-mail: eac@eachq.org
Web: <http://www.eachq.org>

Our Ref: C&T/2/2/3
Date: 18th January, 2013

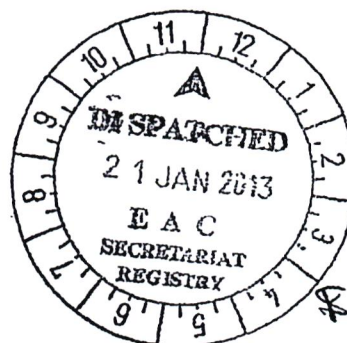
Mrs. Edith Mwanje
Permanent Secretary
Ministry of East African Community Affairs
P. O. Box 341
KAMPALA, UGANDA
Fax: 006 41 4348171/256327

Amb. Jean Rigi
Permanent Secretary
Ministry of East African Community
P.O. Box 1840
Bujumbura, Burundi
Fax: +255 222 57388

Mr. Chiboli Shakaba
Permanent Secretary
Ministry of East African Community
P.O. Box 30551
NAIROBI, KENYA
Fax: 005 20 253244

Amb. William Kanyonga
Permanent Secretary
Ministry of East African Community Affairs
P. O. Box 15
Kigali, Rwanda
Fax: +250 25258512

Dr. Stergomena L. Tax
Permanent Secretary
Ministry of East African Co-operation
P.O. Box 9280
DAR-ES-SALAAM, TANZANIA
Fax No: 022 2126651/2120488



Dear Permanent Secretary

**RE: NOMINATION OF MEMBERS OF EAC COMMITTEE ON TRADE
REMEDIES**

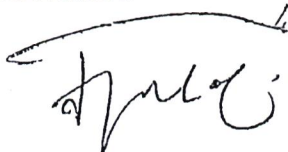
During the Last meeting of the Sectoral Council on Trade, Industry, Finance and Investment held on 2nd November, 2012 in Arusha, Tanzania, the Sectoral Council among others:

- a) directed the EAC Secretariat to develop a criteria for nominating members of the Committee and submit to Partner States by 30th November, 2012, in accordance with Article 24 of the Protocol on the Establishment of the EAC Customs Union; and
- b) Directed Partner States to nominate members of the Committee based on the criteria (a) above and Article 24 of the Protocol on the Establishment of the EAC Customs Union.

In accordance with the directive of the Council, EAC Secretariat has since developed the criteria to be used to nominate Members of the Committee. According to Article 24(2) of the Protocol on the Establishment of the EAC Customs Union, each Partner State shall nominate three members to the Committee qualified and competent in matter of Trade, Customs and Law, respectively. The criteria is hereto attached.

The purpose of this letter is therefore, to request you to nominate members to the EAC Trade Remedies Committee in accordance with Article 24 of the Protocol on the Establishment of the EAC Customs Union and the attached criteria. You are kindly requested to forward the Curriculum Vitae of the nominated members for reference.

Please accept, Permanent Secretary, the assurances of my highest consideration.



Peter N. Kiguta, MBS
Director-General (Customs & Trade)
FOR: SECRETARY GENERAL

C&T/2/1/2

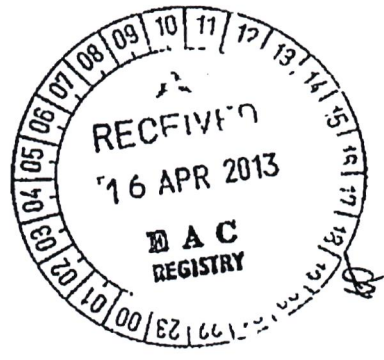
Annex 2

REPUBLIQUE DU BURUNDI

Bujumbura, le 27/3/2013



MINISTRE A LA PRESIDENCE
CHARGE DES AFFAIRES DE LA
COMMUNAUTE EST AFRICAINE
CABINET DU MINISTRE
Réf: 17011/015/ICMI/2013



H.E. Amb. Dr Richard SEZIBERA
Secretary General
East African Community
P.O. Box 1096
Arusha, Tanzania

**RE: NOMINATION OF MEMBERS OF EAC COMMITTEE ON TRADE
REMEDIES**

Dear Secretary General,

I have honour to acknowledge receipt of your letter: C&T /2/2/3 dated on 18th January, 2013, pertaining to the above subject matter, whereby the East African Community Partner States were requested to nominate members of the EAC Committee on Trade Remedies and submit herewith the names and contact details of the Burundi members, as follows:

1. Mr **BARADANDIKANYA Dismas**, Advisor to the Cabinet of the Minister, Ministry of Trade, Industry, Posts and Tourism ;
Email: dlsbara2000@yahoo.fr
2. Mr **KATANGA Joas**, Director of Customs, Ports and Borders, Burundi Revenue Authority
Email: joaskatanga@ymail.com
3. Mr **NKURIKIYE Clement**, Judge at the Supreme Court.
Email: nkurik@yahoo.fr

The Curriculum Vitae of the Nominees are hereto attached.

Please accept, Dear Secretary General, the assurances of my highest consideration.

**THE MINISTER TO THE OFFICE OF THE PRESIDENT
RESPONSIBLE FOR EAST AFRICAN
COMMUNITY AFFAIRS**

Honourable Leontije NZEYIMANA



Tel. Bur.: (+257) 22 25 80 42 / (+257) 22 25 73 86 Fax: (+257) 22 25 73 84 / (+257) 22 25 80 40 / (+257) 22 23 80 44
PO Box: 6056 E-mail: mucca@cae.bi / minintgra@yahoo.fr Web: <http://www.aac.bi>



CST/2/1/2

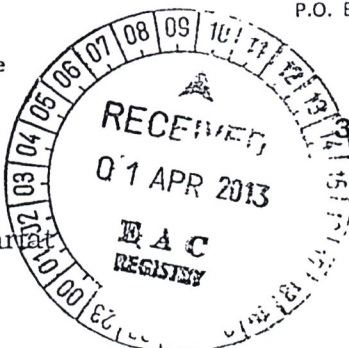
REPUBLIC OF KENYA
MINISTRY OF THE EAST AFRICAN COMMUNITY

Telephone: +254-20-245741/2211614/2245752
Fax No+254-20-2229650
e-mail: ps@meac/go/ke
website:w.w.w.meac.go.ke
When replying please quote our reference and date

Co-operative Bank House Building
Haile Selasie Ave.
P.O. Box 8846-00200 City Square
NAIROBI, Kenya

EAC/5/16 Vol. 35 (11)

The Secretary General
East African Community Secretariat
P.O. Box 1096
ARUSHA, TANZANIA



3rd April, 2013

NOMINATION OF MEMBERS TO THE EAC COMMITTEE ON TRADE REMEDIES

The above subject matter refers.

The following are Kenya's nominees to the EAC committee on Trade Remedies in accordance with the Article 24 of the Customs Union Protocol.

<u>NAME</u>	<u>INSTITUTION</u>
1. Dr. Nathan Ronoh Tuimising'	State Law Office
2. Rotich Kiprono Joseah	Ministry of Trade
3. Ayako Janerose Nkirote	Kenya Revenue Authority

Attached please find copies of the three (3) nominee's Curriculum Vitae for your reference.

R. O. SINDIGA, HSC
FOR: PERMANENT SECRETARY

Vision: Deepen and Widen East African Integration for Sustainable Development and Improved livelihood of all Kenyans

REPUBLIC OF RWANDA

Kigali,

15 MAY 2013

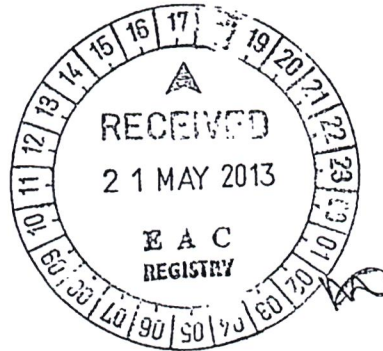
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CAT/2/12



MINISTRY OF EAST AFRICAN COMMUNITY
P.O. Box 267
KIGALI

Amb. Dr Richard Sezibera
Secretary General,
EAC Secretariat,
Arusha, Tanzania



Dear Secretary General,

RE: Nomination of members of the Trade Remedies Committee.

Reference is made to your attached letter of 18th/01/2013, requesting Partner States to nominate three Members to the Trade Remedies committee as per article 24(2) of the protocol on the establishment of the EAC Customs Union.

The purpose of this letter is to inform you that; **Mrs Basemera Peace** - Trade Negotiator-Ministry of Trade and Industry, **Mrs IKIRIZA Ruth** – Principal State Attorney in legislative Drafting Services-Ministry of Justice and **Mr. Tugirumuremyi Raphael**- Head of Legal Affairs Division – Rwanda Revenue Authority are nominated to the Trade Remedies Committee and their CVs are attached for your reference.

Please accept, Secretary General, the assurances of my highest consideration.


George William KAYONGA
Permanent Secretary



CC:

- Hon Minister, MINEAC
- Hon Minister, MINICOM
- Hon Minister, MINIJUST
- Commissioner General, RRA
KIGALI

Email: mineac@mineac.gov.rw

05/2/12
DA (EAT)

TELEPHONES : 0414-340100
E-MAIL : mecca@meca.ug
WEB : <http://www.meca.ug>
TELEFAX : 041-4348171



MINISTRY OF EAST AFRICAN
COMMUNITY AFFAIRS

Post Office Building
Yusuf Lule Road
P.O. Box 7343
Kampala UGANDA

In any correspondence on
this subject please quote No. ECA 254/338/01

22nd July 2013

The Secretary General
East African Community Secretariat
ARUSHA, TANZANIA

NOMINATIONS TO THE EAC TRADE REMEDIES COMMITTEE

This is to inform you that the Republic of Uganda will be represented on the EAC Trade Remedies Committee, by the following persons.

1. Dr. Sam Gahire Nahamya
P.O. Box 5433
Kampala, Uganda
Tel: +256 414 575 213, +256 772 316 114
2. Ms. Esther Katende Magezi
P.O. Box 28
Kampala, Uganda
Tel: +256 754 006497
Email: ekater.de2000@yahoo.com
3. Mr. Perry Antone Namugowa
P.O. Box 8474
Kampala, Uganda
Tel: +256 752 535 260
Email: panamugowa@yahoo.com



A handwritten signature in black ink, appearing to read 'Edith N. Mwanje'.

Edith N. Mwanje (Mrs.)
PERMANENT SECRETARY

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF EAST AFRICAN COOPERATION

C&T/2/1/2
PR

Telegraphic Address: 'MEAC'
Tel. No. 022-2126827, 2126830, 2126823
Fax No: 022- 2120488/2126651
Email: ps@meac.go.tz
Website: www.meac.go.tz

NSSF Waterfront 5th Floor
35 Edward Sokoine Road
P. O. Box 9280
11467 DAR ES SALAAM.

(All official communications should be addressed to the Permanent Secretary)

In Reply please quote:
Ref: CEA.87/129/07'B'/75

Secretary General,
EAC Secretariat,
ARUSHA.



30th July, 2015

RE: RECONFIRMATION OF NOMINEES OF THE MEMBERS OF THE EAC TRADE REMEDIES COMMITTEE FROM THE UNITED REPUBLIC OF TANZANIA

Reference is made to your letter with reference no. C&T/2/1/2 dated 7th July, 2015 concerning the subject matter above.

With this letter, we are reconfirming that the nominees from the United Republic of Tanzania has remained the same as earlier communicated to you and as shown below.

NAME	TITLE	INSTITUTION
Mr. Amantius Msole	Deputy Permanent Secretary	Ministry of East African Cooperation
Mr. Patrick Kisaka	Deputy Commissioner	Tanzania Revenue Authority
Mr. Ally Senga Gugu	Assistant Director	Ministry of Industry and Trade

Your continued cooperation is highly appreciated.


Bernard Haule
For PERMANENT SECRETARY

Handwritten text at the bottom of the page, possibly a signature or stamp.

EAST AFRICAN COMMUNITY

Annex 3

EAC Close
P.O. Box 1096
ARUSHA, TANZANIA



Tel: +255-27-2162100/14
Fax: +255-27-2162102/2162191
E-mail: eac@eachq.org
Web: <http://www.eac.int>

THE SECRETARY GENERAL

Our Ref: SGN/4/9
Date: 10th November 2014

Mr. John Oloishuro Konchellah,
Principal Secretary Responsible for East African Affairs,
Ministry of East African Affairs, Commerce and Tourism,
P. O. Box 8846-00200,
Nairobi, KENYA.
Fax No. 005 20 2229650/2252028/253244
E-mail: ps@meac.go.ke

Ms. Joyce Mapunjo,
Permanent Secretary,
Ministry of East African Co-operation,
P.O. Box 9280,
Dar es Salaam, TANZANIA.
Fax No. 022 2120488/2127488/2126651
E-mail: ps@meac.go.tz / akisumo2001@yahoo.com;

Amb. Jean Rigi,
Permanent Secretary,
Ministry to the Office of the President Responsible for EAC Affairs,
P.O. Box 6056,
Bujumbura, BURUNDI.
Fax No. +257 22257384/22258040/22258044
E-mail: jean.rigi@yahoo.fr

Mr. Innocent Safari,
Permanent Secretary,
Ministry of East African Community Affairs,
P.O. Box 179,
Kigali, RWANDA.
Fax No. +250 252 577 653
E-mail: ps@mineac.gov.rw

Mrs. Edith N. Mwanje,
Permanent Secretary,
Ministry of East African Community Affairs,
P.O. Box 3138,
Kampala, UGANDA.
E-mail: meaca@meaca.go.ug / ensajja@yahoo.com



RATIFICATION OF THE AMENDMENT OF ARTICLE 24 (2) (a) OF THE
PROTOCOL ESTABLISHING THE EAC CUSTOMS UNION

The 10th Summit of Heads of State held at Ngurdoto Mountain Lodge on 29th April 2009 approved the amendment of Article 24 (2) of the Protocol Establishing The EAC Customs Union by deleting the word “nine” appearing in Paragraph (2) (a) of that Article.

The amended provision reads:

“The Committee shall be composed of members, qualified and competent in matters of trade, customs and law.”

Annex 4

EAST AFRICAN COMMUNITY

EAC Close
P.O. Box 1096
ARUSHA, TANZANIA



Tel: +255-27-2162100/14
Fax: +255-27-2162102/2162191
E-mail: eac@eachq.org
Web: <http://www.eac.int>

Our Ref: C&T/2/2/1

Date: 23rd August, 2017

Amb. Dr. Azizi P. Mlima,
Permanent Secretary Responsible for EAC Affairs,
Ministry of Foreign Affairs, East African, Regional and International Cooperation,
P.O. Box 9280,
Dar es Salaam, TANZANIA.
E-mail: ps@meac.go.tz

Mrs. Edith N. Mwanje,
Permanent Secretary,
Ministry of East African Community Affairs,
P.O. Box 3138,
Kampala, UGANDA.
E-mail: meaca@meaca.go.ug / ensajja@yahoo.com

Amb. Jean Rigi,
Permanent Secretary,
Ministry to the Office of the President Responsible for EAC Affairs,
P.O. Box 6056,
Bujumbura, BURUNDI.
E-mail: jean.rigi@yahoo.fr

Ms. Betty C. Maina, MBS,
Principal Secretary for EAC Integration,
Ministry of EAC, Labour and Social Protection,
P. O. Box 8846-00200,
Nairobi, KENYA.
E-mail: ps@meac.go.ke

Ms. Rosemary Mbabazi,
Permanent Secretary,
Ministry of Trade, Industry and East African Community Affairs,
P.O. Box 73,
Kigali, RWANDA.
E-mail: ps@mineacom.gov.rw / mineacom@mineacom.gov.rw

Hon. Mou Mou Athian Kuol,
Secretary General,
EAC Secretariat,
Juba, SOUTH SUDAN.
Tel: +21 1956433000
E-mail: aliuluac56@gmail.com

Dear Permanent /Principal Secretary/Secretary General,

RE: RATIFICATION OF AMENDED ARTICLE 24(2) OF THE PROTOCOL ON THE ESTABLISHMENT EAC CUSTOMS UNION AND DEPOSITING THE INSTRUMENTS OF RATIFICATION WITH THE OFFICE OF THE SECRETARY GENERAL TO OPERATIONALIZE THE EAC TRADE REMEDIES COMMITTEE

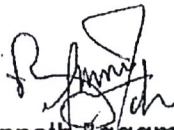
The admission of Burundi and Rwanda into the East African Community in 2007 necessitated the amendment of Article 24(2) of the Protocol on the establishment EAC Customs Union to allow the two Partner States to nominate members to join the EAC Trade Remedies Committee. Prior to amendment Article 24(2) of the Protocol on the establishment EAC Customs Union provided that "The Committee shall be composed of nine members, qualified and competent in matters of trade, customs and law"

The amended provision now reads *"The Committee shall be composed of Members, qualified and competent in matters of trade, customs and law"*

At its sitting of 27th February 2016, convened in Arusha, Tanzania the Sectorial Council for Trade, Industry, Finance and Investment (SCTIFI), among others, directed Partner States to deposit with the Secretary General instruments of ratification of the amendments of Article 24 (2) of the Protocol on establishment of East African Customs Union with regard to members of the Trade Remedies Committee by 15th August, 2016.

The purpose of this letter therefore, is to remind you about the above SCTIFI directive and to request you to deposit with the Secretary General instruments of ratification of the amendments of Article 24 (2) of the Protocol on establishment of East African Customs Union with regard to members of the Trade Remedies Committee, by 30th October 2017.

Please accept Permanent / Principal Secretary / Secretary General, the assurance of my highest consideration.



Kenneth Bagamuhunda

Director General (Customs & Trade)

For: **SECRETARY GENERAL**

Copy to:

Permanent Secretary,
Ministry of Trade, Industry and Cooperatives,
P. O. Box 7103,
Kampala, Uganda.

Permanent Secretary,
Ministry of Trade, Industry, Posts and Tourism,
P. O. Box 4174,
Bujumbura, Burundi.

Principal Secretary,
State Department of Industry,
Ministry of Industry, Trade & Cooperatives,
P.O. Box 30430-00100,
Nairobi, Kenya.
Email: ps.trade@industrialization.go.ke

Permanent Secretary,
Ministry of Industry and Trade,
P. O. Box 9503,
Dar es Salaam, Tanzania.

Annex 5



REPUBLIC OF KENYA
MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL
DEVELOPMENT
STATE DEPARTMENT OF EAST AFRICAN COMMUNITY
OFFICE OF THE PRINCIPAL SECRETARY

Telephone: +254-20-2245741/2211614/2245752
Fax No: +254-20-2229650
Mobile: 0729111108/0733208888
Wireless: +254-20 2603599/20 2603733
e-mail: ps@meac.go.ke
Website: www.meac.go.ke

Co-op Bank House Building
Haile Selassie Avenue
P.O. Box 8846-00200 City Square
NAIROBI, KENYA

When replying please quote:

ADM.1/CONF/15/VOL.X (202)

17th September, 2019

Mr. Kenneth Madete
Clerk
EALA Legislative Assembly
Arusha
TANZANIA

UPDATE ON KENYA'S RATIFICATION OF ARTICLE 24 (2) OF THE EAC CUSTOMS UNION PROTOCOL

The above subject matter refers

This is a follow-up to the oversight visit by EALA Committee on Communication, Trade and Investment meeting of 9th September, 2019 at Laico Grand Regency Hotel on the above-mentioned subject.

The proposed amendment to Article 24(2) of the EAC Customs Union Protocol is currently before the National Assembly awaiting approval.

This is to confirm that Kenya National Assembly Standing Committee on Regional Integration has scheduled a meeting with Ministry of EAC and Regional Development on 19th September, 2019 to be briefed on objective of the proposed amendment and Ratification of the Protocol.



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Vision:
*Deepen and widen East African Integration for Sustainable Development and improved livelihoods of all
Kenyans*



The EALA Committee had further requested to be informed of Kenya's Protocol Ratification process.

The treaty making ratification process is guided by Part III, Sections 7 -10 of the Treaty Making and Ratification Act, No. 45 of 2012 (Rev. 2014) of the Laws of Kenya. The process is highlighted here below-

1. Approval by Cabinet – Consideration of the Treaty and Cabinet Memorandum;
2. Cabinet Secretary in charge of Foreign Affairs submits the treaty and a memorandum on the Treaty to the Speaker of the National Assembly;
3. The Treaty is considered by the relevant Parliamentary Committee;
4. National Assembly may approve the ratification of a Treaty with or without reservation to specific provisions of the treaty;
5. If National Assembly refuses to approve the ratification of a Treaty, the Clerk of the National Assembly shall submit the resolution of the House to the relevant Cabinet Secretary within 14 days of the resolution;
6. Where ratification of a Treaty is approved by the National Assembly, the relevant Cabinet Secretary shall within 30 days from the date of the approval of the ratification of a treaty request the Cabinet Secretary in charge of Foreign Affairs to prepare the instrument of ratification of the treaty;
7. The Cabinet Secretary in charge of Foreign Affairs shall prepare the Instrument of ratification, sign, seal and deposit the Instrument with the requisite Depository body.

The purpose of this letter, therefore, is to update you on the status of the Ratification process.



Margaret W. Mwakima, PhD, CBS
PRINCIPAL SECRETARY



Vision:

Deepen and widen East African Integration for Sustainable Development and improved livelihoods of all





Annex 6

REPUBLIC OF RWANDA
MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

Kigali, **06 SEP 2019**
No **4101**/09.01/EAC/19

Secretary General
EAC Secretariat,
Arusha, Tanzania

Dear Secretary General,

RE: Ratification of the amendment of article 24(2) of the protocol on the establishment of the East African Community Customs Union

Reference is made to your letter Ref: SGN/4/9 submitting to Partner States the approved amendment of the article 24(2) of the Protocol on the establishment of the East African Community Customs Union.

Following the internal consultations, it was found that the text of amendment attached to your request was not dully signed by the competent authority and is not in the format of law.

The purpose of this letter is to request you to resubmit the dully signed text of amendment in format of a law to enable the Republic of Rwanda start the process of ratification.

Sincerely,

for 

Urujeni BAKURAMUTSE
Permanent Secretary



PERMANENT SECRETARY

Ag.

CC:

- Committee of Communication, Trade and Investment, EALA
ARUSHA