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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(THIRD SESSION)

TABLED

CLERK-AT-THE-TABLE:

*Chair Select Committee on Regional Integration.
Geoffrey Chebet*

THE SELECT COMMITTEE ON REGIONAL INTEGRATION

REPORT

ON CONSIDERATION OF:

REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) BILL, 2018

AND

REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON CONSIDERATION OF THE EAST AFRICAN COMMUNITY ANNUAL REPORT 2014/2015

Directorate of Committee Services
National Assembly
Parliament Buildings
NAIROBI

*Approved for Tabled
2/8/19
Dema*

AUGUST, 2019

CHAIRPERSON'S FOREWORD

This report contains the Committee's consideration of various East African Community reports tabled in the East African Legislative Assembly between July and October 2018. The reports were transmitted to the Kenya National Assembly for deliberation as provided for in the treaty and committed to the committee on 12th November 2018. This report includes the following:

- (a) Report of the Committee on Communication, Trade and Investment on the East African Community Customs Management Amendment Bill, 2018
- (b) Report of the Committee on General Purpose on the Consideration of the EAC annual report 2014/2015

The Committee notes with pleasure, the passionate approach adopted by the EALA in executing its mandate and urge the Council of ministers and by extension the summit to fast track the implementation of some, if not all of the recommendations enumerated in the reports as adopted by the Assembly.

HON. NAISULA LESUUDA, OGW, MP
CHAIRPERSON

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LIST OF ABBREVIATIONS/ACRONYMS

EAC	East African Community
EACJ	East African Court of Justice
EALA	East African Legislative Assembly

1.0 INTRODUCTION

1.1 Committee Membership

The Committee on Regional Integration is established under the National Assembly Standing Order 212. It was constituted in December 2017 following adoption of a motion on membership of committees by the House. The Committee comprises of the following Members:

1. Hon. Naisula Lesuuda, M.P, OGW -Chairperson,
Samburu West Constituency
KANU
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
Lamu County Women Representative
Jubilee Party
3. Hon. Christopher Nakuleu, M.P
Turkana North Constituency
Jubilee Party
4. Hon. Dr. Gideon Ochanda, M.P.
Bondo Constituency
Orange Democratic Movement
5. Hon. Joyce Emanikor, M.P
Turkana County Women
Representative
Jubilee Party
6. Hon. Janet Ong'era, M.P.
Kisii County Women
Representative
Orange Democratic Movement
7. Hon. Kubai Iringo, M.P
Igembe Central Constituency
Jubilee Party
8. Hon. Mathias Robi, M.P
Kuria West Constituency
Jubilee Party
9. Hon. Ezekiel Ombaki, M.P
Nyaribari Masaba Constituency
NAPK Party
10. Hon. Abdi Mude Ibrahim, M.P
Lafey Constituency
Economic Freedom Party (EFP)
11. Hon. Ali Wario Guyo, M.P.
Garsen Constituency
**Wiper Democratic Movement
Party**
12. Hon. Elijah Memusi Kanchory,
M.P
Kajiado Central Constituency
Orange Democratic Movement
13. Hon. Erastus Nzioka, M.P
Mbooni Constituency
Independent, ND Party
14. Hon. Eve Obara, M.P
Kabondo Kasipul Constituency
Orange Democratic Movement
15. Hon. Geoffrey Omuse, M.P
Teso South Constituency
Orange Democratic Movement
16. Hon. Gideon Keter, M.P
Nominated
Jubilee Party

17. Hon. Janet Teiyaa, M.P
Kajiado County Women Representative
Jubilee Party

18. Hon. Kassim Tandaza, M.P
Matuga Constituency
ANC

19. Hon. Malulu Injendi, M.P
Malava Constituency
Jubilee Party

20. Hon. Ndindi Nyoro, M.P.
Kiharu Constituency
Jubilee Party

21. Hon. Nasri Sahal Ibrahim, M.P
Nominated
FORD-K

22. Hon. Rozaah Buyu, M.P
Kisumu County Women
Representative
Orange Democratic Movement

23. Hon. William Kamket, M.P.
Tiaty Constituency
KANU

1.2 Committee Secretariat

The Committee secretariat comprises of:

- | | |
|---------------------------|----------------------------|
| (1) Mr. Abenayo Wasike | Senior Clerk Assistant |
| (2) Ms. Ruth Mwiwaki | Clerk Assistant III |
| (3) Mr. Sidney Lugaga | Legal Counsel II |
| (4) Ms. Catherine Mukunyi | Serjeant At Arms |
| (5) Mr. Boniface Mugambi | Sergeant at arms |
| (6) Dr. Kefa Omoti | Principal Research Officer |

1.3 Committee Mandate

As provided for in Standing Order 212 (2), the Committee is mandated to-

- Enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
- Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
- Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
- Examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
- Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

2.0 BACKGROUND

1. The following reports were adopted by the East African Legislative Assembly during its 1st Meeting of the 2nd Session of the 4th Assembly from 16th September -6th October, 2018 in Arusha- Tanzania, and subsequently forwarded to the Kenya National Assembly pursuant to the provisions of Article 65(b) of the Treaty for the establishment of the East African Community.
 - (a) Report of the Committee on Communication, Trade and Investment on the East African Community Customs Management Amendment Bill, 2018
 - (b) Report of the Committee on General Purpose on the Consideration of the EAC annual report 2014/2015
2. The reports were tabled before the Kenya National Assembly and committed to the Committee for consideration in accordance with the provisions of Standing Order 212.
3. The Committee considered the, Reports in its sitting held on Friday 15th March 2019. The Committee's deliberations and findings specific to each report are briefly discussed below.

2.1 COMMITTEE CONSIDERATION OF THE REPORTS ADOPTED BY THE EAST AFRICAN LEGISLATIVE ASSEMBLY

The Committee considered the reports adopted by the East African legislative Assembly as follows:-

2.1.1 Report of the Committee on Communication, Trade and Investment on the East African Community Customs Management (Amendment) (No. 2) Bill 2018

The Committee considered the Report of the Committee on Communication, Trade and Investment on the East African Community Customs Management (Amendment)(No. 2) Bill 2018 and noted that :-

4. The Bill seeks to amend section 24(1) of the East African Community Customs Management Act, 2004 to require a master or agent of a vessel to provide to the proper officer advance information relating to goods carried by the vessel before departure from the last port of call.
5. The Bill is intended to provide for customs administration to receive advance information relating to the goods being moved across national borders ahead of the arrival of the vessel carrying the goods.

6. The Bill seeks to facilitate the ability of the Customs Administrations to detect high risk consignments ahead of the arrival vessel carrying the goods to enable the customs administration to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.
7. The rationale for the amendment is to ensure that offices relating to customs administration with the East Africa Community States receive information in advance that relates to goods being moved across national borders ahead of the arrival of the vessel carrying the said goods and enhance the ability
8. In its report, the EALA Committee had noted that the Current section 24(1)(a) of the East African Community Customs management Act, 2004 requires the shipping lines to submit the vessel manifest not less than 24 hours before the arrival of the vessel from a foreign port. This meant that information relating to the cargo carried by the vessel is submitted long after the vessel has left the last port. The 24 hours minimum period is not adequate to sustain effective risk profiling cargo prior to arrival of the vessel.
9. The EALA Committee had also noted that the mandate of Customs administrations in the EAC Partner states is to facilitate trade and ensure security of the International trade supply Chain. To effectively carry out this mandate, the Customs administrations require advance information regarding the goods moved across their national borders ahead of the arrival of the carrier vessel.
10. The report had highlighted the susceptibility of the international supply chain to top criminal exploitation including terrorism. To mitigate the security risks and at the same time facilitate seamless clearance of goods, the Customs administrations need to be furnished with information relating to the cargo which is carried by a vessel.
11. The report highlighted that since the enactment of the EAC Customs Management Act in 2004, the Council of Ministers has on more than eight times presented to the House Amendments to the principal Act. However, all these have been piece meal and selective amendments. A lot of developments have also taken place in the trade and investment sectors which need to be addressed by the act. The EAC legislative framework should therefore be responsive to the needs of the people and the objectives of the treaty.
12. The Committee had in its report recommended to the Council of Ministers to carry out a comprehensive review of the East African Management Act, 2004 to address the current challenges. In the trade and investments sectors and to introduce to the Assembly a comprehensive EAC Custom s(Amendment) Bill in the Year 2019/2020

13. The Committee also recommended that the Assembly adopts the report of the committee and Pass the East African Community Customs Management Amendment no. 2 Bill, 2018.

2.1.2 Report of the Committee on General Purpose on the Consideration of the EAC Annual Report 2014/2015

The Committee Considered Report of the Committee on General Purpose on the Consideration of the EAC annual report 2014/2015 and noted that:-

14. The first version of the EAC Annual report for 2014/2015 was tabled by the Chairperson, Council of Ministers before the Assembly during the 3rd meeting of the 5th Session of the Third Assembly on 25th November 2016 in Nairobi, Kenya.
15. The report was recalled by the Chairperson, Council of Ministers and it was decided that the report be reviewed and presented to the Third Assembly before August 2017. Subsequently, a revised version of the report was tabled on 25th April 2018 in Dodoma, United Republic of Tanzania during the 4th Meeting of the 1st Session of the 4th Assembly.
16. The East African Legislative Assembly Committee on General Purpose convened on 21st to 25th August 2018 at the EAC headquarters in Arusha, the United Republic of Tanzania to consider the revised version of the EAC Annual Report for 2014/15 and subsequently presented the report to the House for Adoption.
17. In its report, the Committee on General Purpose had observed that:
 - (a) The Revised Version of the EAC annual Report for the 2014/15 FY was not on time as it was tabled on 25th April 2018 and did not adhere to the recommendation of the third Assembly for the Council of Ministers to present the revised version by August 2017, when the report was recalled.
 - (b) The report had only partially fulfilled the basic requirements on presentation of information as it relates to use of, analysis of facts and figures, overall presentation and neatness of the report.
 - (c) The report had not made any reference to the EAC Development Strategy and the Pillars of Integration. This included making reference to Summit directives, Council decisions as well as assembly recommendation's and resolutions.
 - (d) There was no set structured format to the report

(e) Challenges were reported in an in exhaustive manner without stating actionable issues that could be focused on or explored.

18. The Committee had met with the Ministers in charge of EAC affairs on 25th September 2018. The Chairperson, Council of Ministers had updated the committee on ongoing changes and improvements in the Annual report, and that the secretariat had endeavored to take into account the Assembly's recommendations in previous reports and incorporate them in the 2015/2016 and the 2016/2017 reports already before the Committee.

19. The Committee had subsequently made the following recommendations:

- That the Council of Ministers to strictly adhere to Article 14(2) of the Treaty for the establishment of the East African Community. This would include review of reports before they are presented to the Assembly to ensure quality Control in terms of amongst others facts, figures, analyses, general presentation and layout. The approved format should be consistently adhered to.
- To table before the Assembly all pending annual reports of 2016/2017, 2017/2018. Thereafter the reports should be presented in a timelier manner to inform the budget process of the subsequent financial year under review

25. The Committee had recommended to the House for the adoption of the Report of the Committee on the Second Version of the EAC Annual Report 2014/2015.

3.0 COMMITTEE OBSERVATIONS ON;

3.1 Report of the Committee on Communication, Trade and Investment on the EAC Customs Management (Amendment) (No. 2) Bill 2018

26. The Committee observed as follows-

- (1) The East African Community Customs Management (Amendment), No. 2 Bill, 2018 was read for the first first time during the 5th meeting of the 1st Session of the East African Legislative Assembly held in Nairobi from 27th May to 15th June, 2018.
- (2) The Bill was forwarded and tabled before the Kenya National Assembly on Thursday, July 26th, 2018 and thereafter committed to the Select Committee on Regional Integration for consideration.
- (3) Prior to this report, the Committee had approved the amendments as proposed in its report tabled before the National Assembly on 22nd November 2018.

3.2 Report of the Committee on General Purpose on the Consideration of the EAC Annual Report 2014/2015

27. There is no consistent reporting to reflect planned activities on institutions such as the Lake Victoria Basin Commission (LVBC) and the Inter-University Council for East Africa (IUCEA). There is lack of information or reasons given on activities that were not implemented.

4.0 COMMITTEE RECOMMENDATIONS ON-

4.1 East African Community Customs Management (Amendment) (No. 2) Bill 2018

28. The Committee recommends adoption of the EALA Committee's resolution to pass the East African Community Customs Management Amendment No. 2 Bill, 2018;

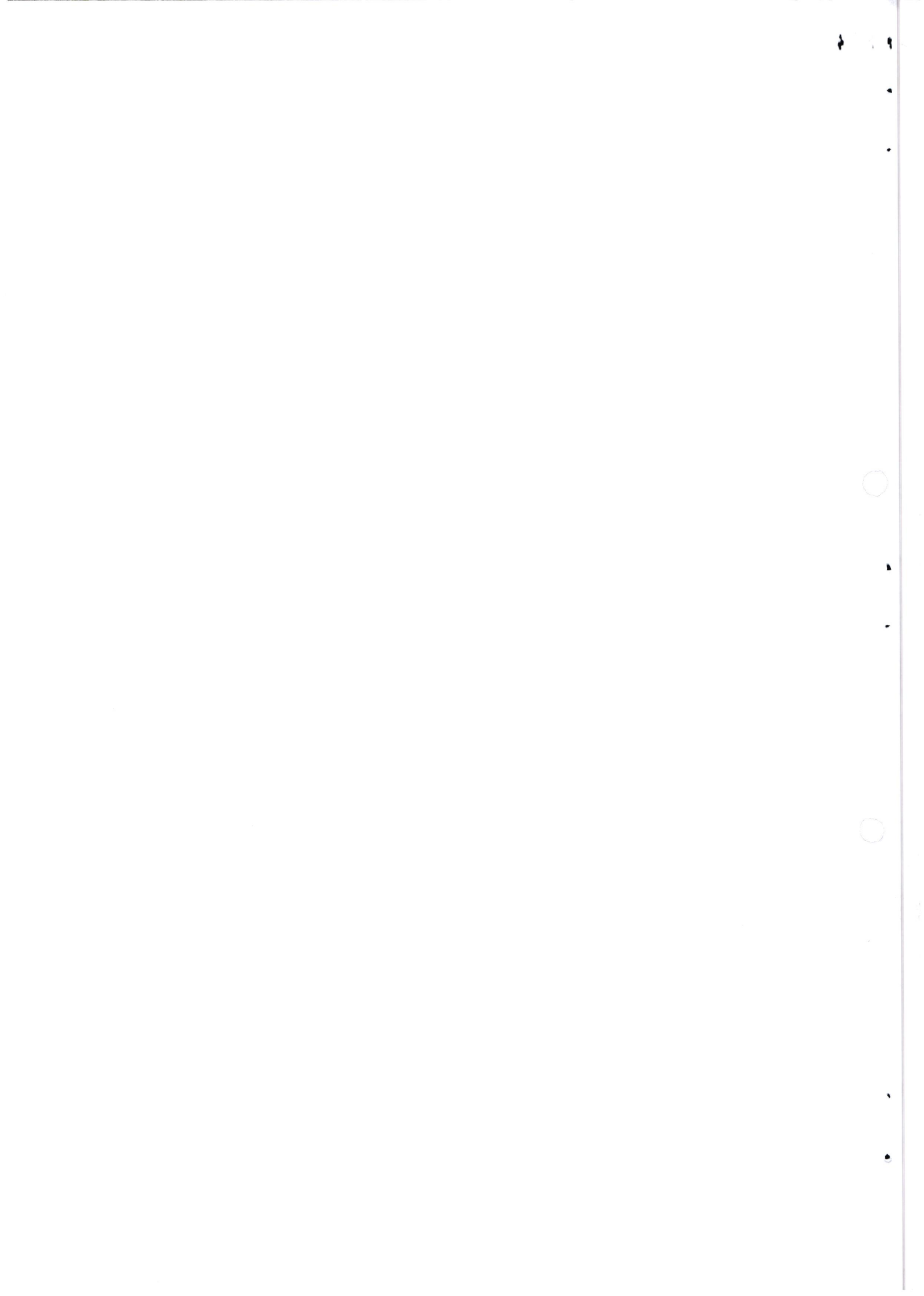
29. The Council of Ministers should conduct a comprehensive review of the East African Customs Management Act, 2004 to address the current Challenges in trade and investments sectors and subsequently introduce a comprehensive EAC Customs (Amendment) Bill in the Year 2019/2020.

4.2 The Committee on General Purpose on the Consideration of the EAC annual report 2014/2015,

The Committee recommends adoption of the EALA report and its support on the Second Version of the EAC Annual Report 2014/2015.

Signed.....  Date..... 6/08/2019

Hon. Naisula Lesuuda, OGW, MP
Chairperson



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

Laid on Table on
26th September 2018

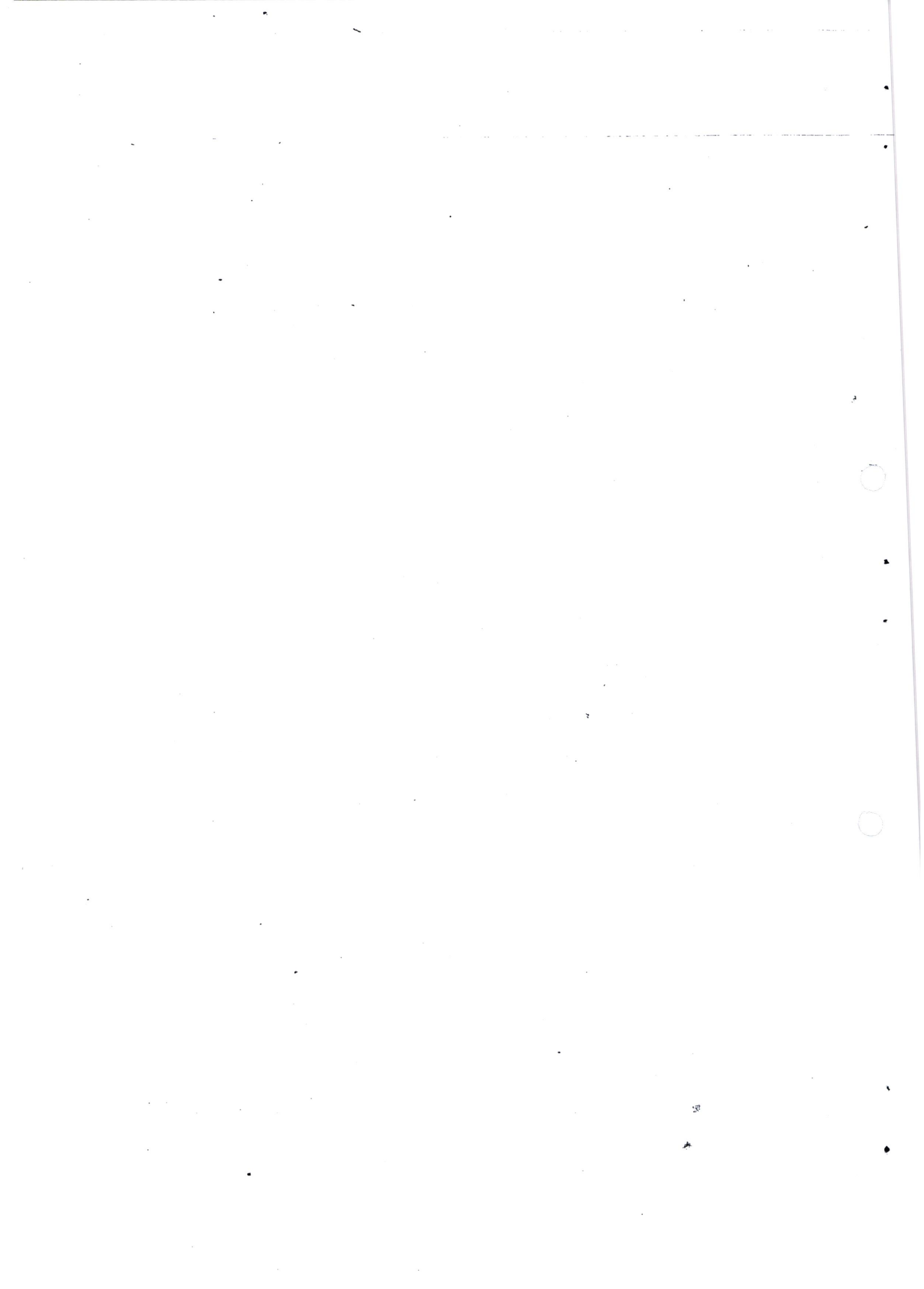


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**REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE
AND INVESTMENTS ON THE EAST AFRICAN COMMUNITY
CUSTOMS MANAGEMENT (AMENDMENT) (NO.2) BILL, 2018**

CLERK'S CHAMBERS
EAC HEADQUARTERS
EALA WING, 3RD FLOOR
ARUSHA – TANZANIA

September 2018



1.0 INTRODUCTION

Rt. Hon. Speaker,

In accordance with the provisions of Article 59 of the Treaty for the Establishment of the East African Community, Rules 61, 65 and 66 of the Rules of Procedure of the Assembly, the Chairperson Council of Ministers introduced in the House and read for the first time, The East African Community Customs Management (Amendment) (No.2) Bill, 2018 during the Fifth Meeting of the First Session of the Fourth Assembly held in Nairobi, Kenya on the 31st of May, 2018. Pursuant to Rule 66(4) of the same Rules of Procedure, the Rt. Hon. Speaker referred the Bill to the Committee on Communication, Trade and Investment for consideration.

2.0 OBJECT OF THE BILL

The object of the Bill is to amend section 24 (1) of the East African Community Customs Management Act to require a master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.

- The Bill is intended to provide for customs administrations to receive advance information regarding the goods being moved across national borders ahead of the arrival of the vessel carrying the goods.

The Bill seeks to facilitate the ability of customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the goods to enable the customs administration to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.

3.0 METHODOGY

During the consideration of the Bill, the Committee:

- a) reviewed literature regarding the subject matter of the Bill;
- b) Interacted with the Chairperson Council of Ministers and his technical team.

4.0 OBSERVATIONS

The Committee made the following observations:

- i. It was noted that the current Section 24(1) (a) of the East African Community Customs Management Act, 2004 requires the shipping lines to submit the vessel manifest not less than 24 hours before arrival of the vessel from a foreign port. This means that information relating to the cargo carried by the vessel is submitted long after the vessel has left the last port. The 24 hours minimum period is not adequate to sustain effective risk profiling of cargo prior to arrival of the vessel.
- ii. It was also noted that the mandate of the Customs Administrations in the EAC Partner States is to facilitate trade, and ensure security of the International Trade Supply Chain. To effectively carry out this mandate, the customs administrations require advance information regarding the goods moved across their national borders ahead of the arrival of the carrier vessel.
- iii. It was further noted that International Trade Supply Chain is susceptible to criminal exploitation including terrorism. To effectively mitigate the security risks and at the same time facilitate seamless clearance of goods, the customs administrations need to be furnished with information relating to the cargo which is carried by a vessel.
- iv. Since the enactment of the EAC Customs Management Act in 2004, the Council of Ministers has, on more than eight times presented to the House amendments to the principal Act. However, all these have been piecemeal and selective amendments. It should be noted that since 2004 a lot of developments/changes have taken place in the Trade and Investment sectors which need to be addressed by this Act.
- v. It is important to note that the EAC Legislative Framework should be responsive to the needs of the people, principles and the objectives of the Treaty. As a Community, we shall not be able to realise a people-centered and private sector-driven integration process if among others, the concerns and challenges of the business community are not addressed.

5.0 RECOMMENDATIONS

The Committee recommends that:

- i. The Council of Ministers carries out a comprehensive review of the East African Community Management Act, 2004 to address the current challenges in the Trade and Investment sectors.
- ii. The Council of Ministers introduces to the Assembly a comprehensive EAC Customs (Amendment) Bill that addresses the challenges identified in (i) above in the Financial Year 2019/2020.

- iii. The Assembly adopts the report of the Committee and passes the East African Community Customs Management (Amendment) (No.2) Bill, 2018.

REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENTS ON THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) (NO.2) BILL, 2018

1. Hon. Gai William Deng Nhail
2. Hon. Thoar Gatpan Gideon
3. Hon. Burikukiye Marie Claire
4. Hon. Rurakamvye Pierre Claver
5. Hon. Nsavyimana Sophie
6. Hon. Fred Mbidde Mukasa
7. Hon. Aburi Mpuru Lawrence
8. Hon. Sergon Jematiah Florence
9. Hon. Mbuga Nganga Simon
10. Hon. Rutazana Francine
11. Hon. Bahati Alex
12. Hon. Barimuyabo Jean Claude
13. Hon. Eng. Maassay Pamela Simon
14. Hon. Lugiko Happiness Elias
15. Hon. Eng. Mnyaa Mohammed Habib
16. Hon. Kasamba Mathias
17. Hon. Musamali Mwasu Paul
18. Hon. Dr. Woda Odok Jeremiah

Daniel

Thoar Gatpan Gideon

Burikukiye Marie Claire

Rurakamvye Pierre Claver

Nsavyimana Sophie

Aburi Mpuru Lawrence

Sergon Jematiah Florence

Rutazana Francine

Bahati Alex

Barimuyabo Jean Claude

Eng. Maassay Pamela Simon

Lugiko Happiness Elias

THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

No. 5

4th May, 2018.

to the East African Community Gazette No. 6 of 4th May, 2018.

Printed by the Uganda Printing and Publishing Corporation, Entebbe, by Order of the East African Community.



THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT
(AMENDMENT) (NO. 2) BILL, 2018

MEMORANDUM.

The object of this Bill is to amend section 24 (1) of the East African Community Customs Management Act to require a master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.

The Bill is intended to provide for customs administrations to receive advance information regarding the goods being moved across national borders ahead of the arrival of the vessel carrying the goods.

The Bill seeks to facilitate the ability of customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the good to enable the customs administrations to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.

RT. HON. DR. ALI-HAJI KIRUNDA KIVEJINJA,
Chairperson Council of Ministers.



A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY CUSTOMS
MANAGEMENT (AMENDMENT) (No. 2) ACT, 2018.**

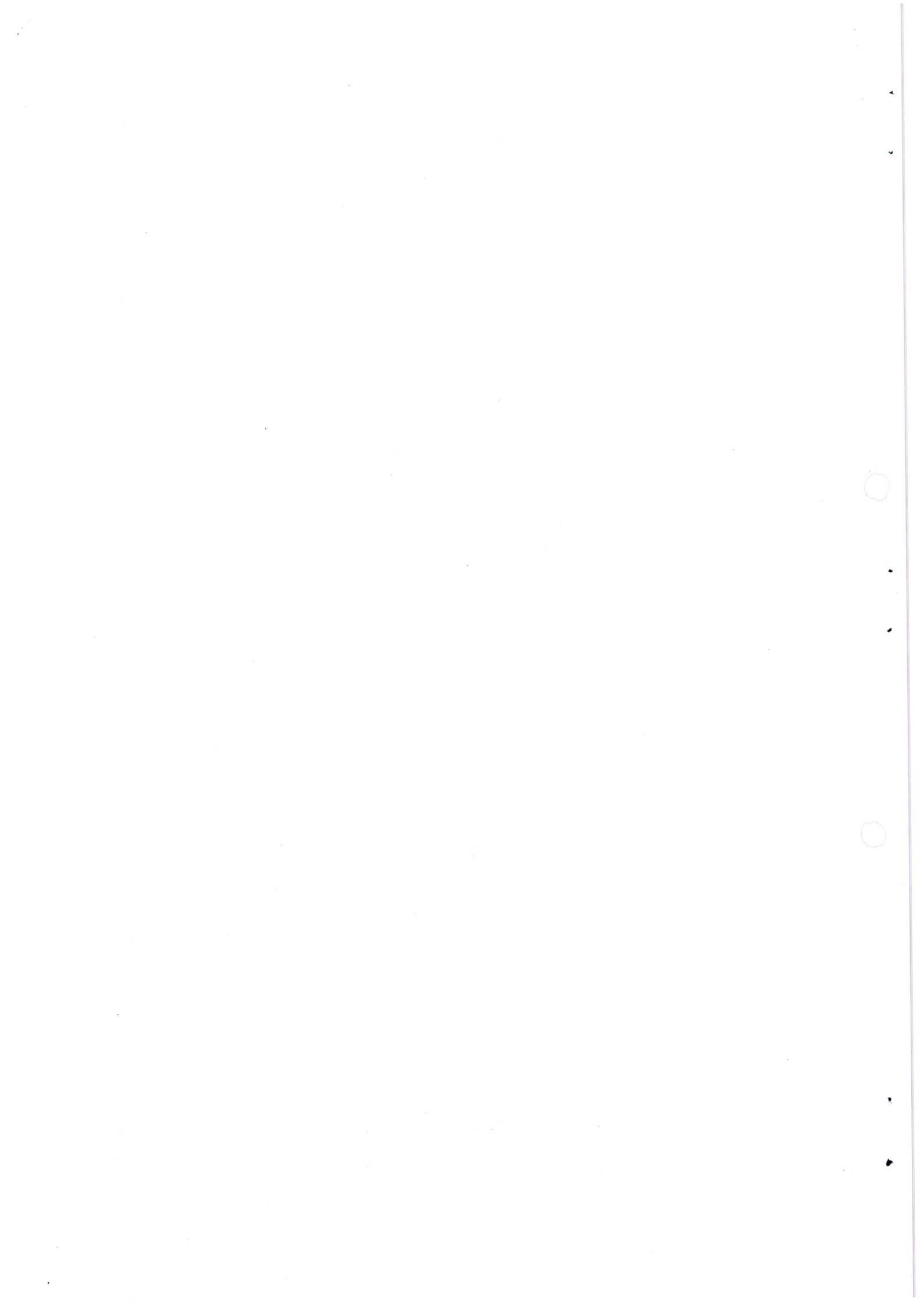
An Act of the Community to amend section 24 (1) of the East African Community Customs Management Act to require a master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.

ENACTED by the East African Legislative Assembly and assented to by the Heads of State:

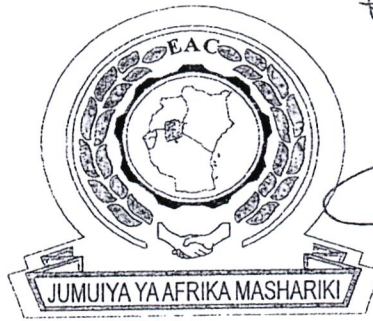
1. This Act may be cited as the East African Community Customs Management (Amendment) (No. 2) Act, 2018. Short title.

2. The East African Community Customs Management Act, 2004 is amended in section 24 (1) by substituting for paragraph (a), the following – Amendment of the East African Community Customs Management Act, 2004

“(a) in the case of a vessel, immediately before departure from the last port of call;”



KAD ON TABLE
ON BY Hon. Abdi Kadiri
tmar Aden on
25th / 9 / 2018



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

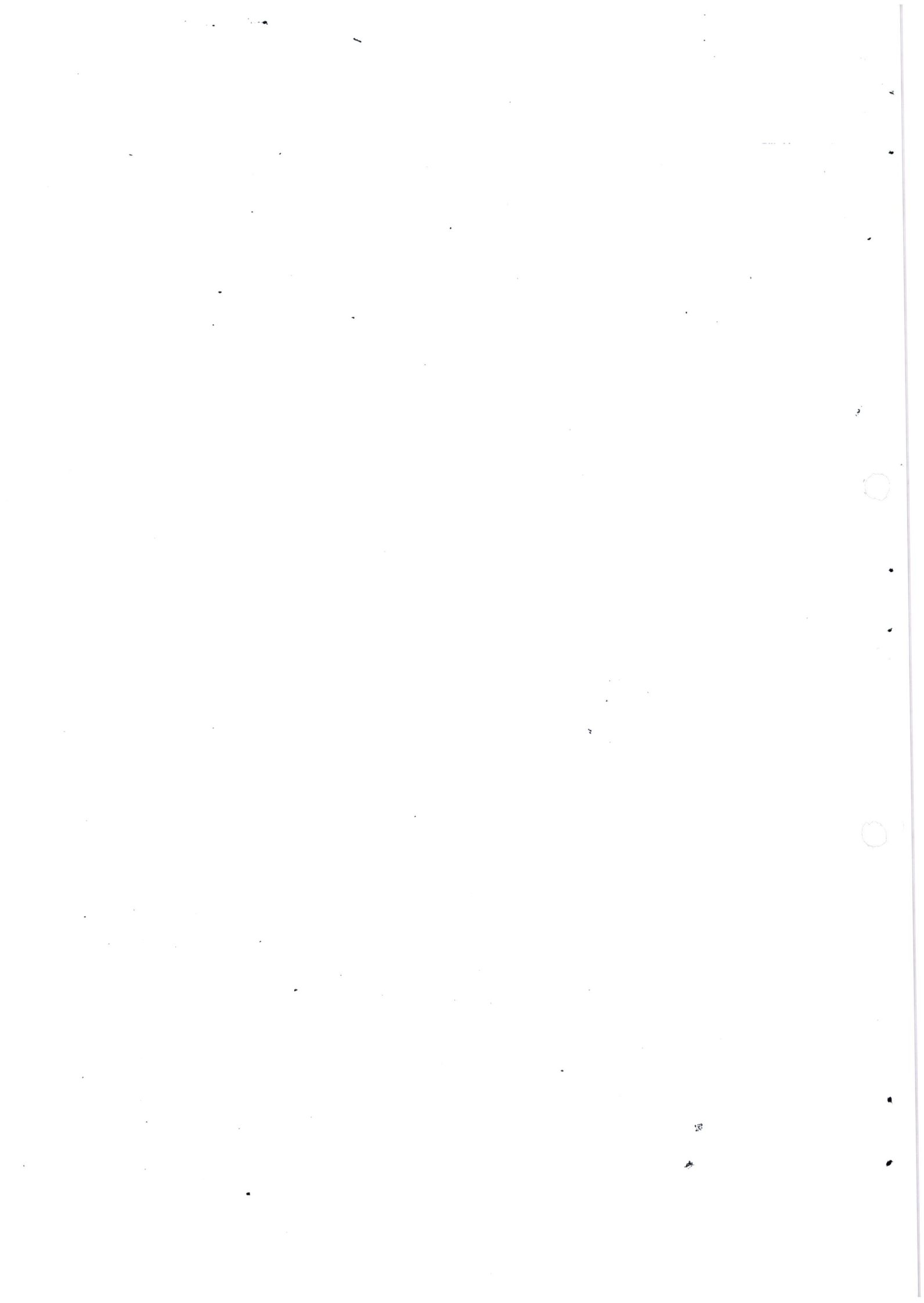
COMMITTEE ON GENERAL PURPOSE

**REPORT ON THE CONSIDERATION OF THE EAC ANNUAL REPORT
2014/2015**

21ST – 25TH AUGUST 2018, EAC HEADQUARTERS, ARUSHA, TANZANIA

Clerks Chambers
EAC Headquarters
EALA Wing, 3rd Floor
Arusha, TANZANIA

25th September 2018



1.0 Introduction

Rt. Hon. Speaker Sir,

The East African Legislative Assembly (EALA) is mandated under Article 49 (2) (c) of the Treaty for the Establishment of the East African Community to among others, consider the Annual Reports on the activities of the Community. Further, Article 59 (3) (a) of the Treaty provides that the Council shall publish annually and present to a meeting of the Assembly a general report on the activities of the Community and which the Assembly shall consider at its meeting.

Articles 48(3) and 49 (2) (e) of the Treaty also mandates the Assembly to establish Committees for the effective discharge of its mandate. This is specifically in accordance with Rules 81(1) (c) and 81 (2) of the Rules of Procedure of the Assembly. The East African Community (EAC) Annual Reports are considered by the Committee on General Purpose and adopted by the Assembly.

The first version of the EAC Annual Report for 2014/15 was tabled by the Chairperson, Council of Ministers before the Assembly during the 3rd Meeting of the 5th Session of the Third Assembly on 25th November 2016 in Nairobi, Kenya.

The report was recalled by the Chairperson of the Council of Ministers. It was decided that the report be reviewed and presented to the Third Assembly before August 2017. Subsequently, a revised version of the report was tabled on 25th April 2018 in Dodoma United Republic of Tanzania during the 4th meeting of the 1st Session of the 4th Assembly.

Pursuant to the above Treaty provisions and Rules of Procedure of the Assembly, the Committee on General Purpose convened on 21st to 25th August 2018 at the EAC Headquarters in Arusha, the United Republic of Tanzania to consider the revised version of the EAC Annual Report for 2014/15, and presents its report to this august House for adoption.

2.0 Methodology

During the meeting, the Committee:

1. Reviewed and analysed the revised EAC Annual Report for 2014/15 against the Report of the Committee on General Purpose tabled on 31st May 2017 as well as the First version of the Report that was recalled by the Council of Ministers;
2. Interacted with Mr. Wilberforce Mariki, the Director Planning and Mr. Samson Manirakiza, the Senior Monitoring and Evaluation Officer from the EAC Secretariat who were delegated by the Secretary General, Hon. Amb. Liberat Mfumukeko; and
3. Interacted with the Council of Ministers and the Secretary General of the EAC on Tuesday, 25th September 2018.

3.0 Findings and Observations

3.1 The First version of the EAC Annual Report for 2014/15

The Committee considered and took note of the Report of the Committee on General Purpose on the EAC Annual Report of 2014/15 held on 31st May 2017.

The Assembly noted that there was no significant difference between the previous one of 2013/14 which the Assembly found inadequate in terms of substance and content, facts, statistics, clarity, analysis as well as actionable interventions to influence policy formulation and legislation in the EAC. Consequently;

(i) The Assembly urged the Council of Ministers to fully assume responsibility as prescribed by Article 14 (2) of the Treaty for the Establishment of the East African Community to monitor and keep under constant review the implementation of programmes of the Community.

Further emphasis was placed on Article 49 (2) (c) and 59 (3) (a) which provides for the production and presentation of the Annual Report on the activities of the Community to the Assembly.

(ii) The Assembly further urged the Council of Ministers to present to the Third Assembly the EAC Annual Report for the Financial Year not later than the month of August 2017 specifically before the Pre-Budget Conference;

(iii) The Assembly urged the Council of Ministers to ensure that the quality of the EAC Annual Report is improved and to further ensure the timely presentation of the Annual Report to the Assembly to inform the Budget process of the subsequent financial year.

The Chairperson of the Council of Ministers therefore recalled the report and undertook to table a revised version before the House. Following the debate, the Assembly did not adopt the EAC Annual Report for 2014/15.

3.2 The Revised version of the EAC Annual Report for the 2014/15

The Committee considered the report and made the following observations:

1. Lack of Timeliness of the revised report

The Committee observed that the report was not timely at all since it was tabled on 25th April 2018 and did not adhere to the recommendation of the Third Assembly for the Council of Ministers to present the revised version by August 2017. The Committee noted that it was almost a year since 31st May 2017, when the report was recalled.

2. Partial fulfilment of basic requirements and presentation of incomplete information

The Committee observed the following:

(i) Acronyms used are not all defined and the financial statements presented on pages 61-63 were only for three Organs of the Community, namely, the EAC Secretariat, the East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ). The statements of EAC Institutions are missing.

(ii) The Committee observed that the report is also not smartly bound and its presentation is below the expected standards.

(iii) It was further noted that the use of relevant facts, statistics and analyses is still limited and some graphics are missing. An example is found on page 70 under the EACJ where graphics have been introduced, but are completely missing.

The report is expected to report on analyses of facts and figures that are comparative to given base years, including from previous reports showing a consistent trend with conclusive and meaningful action points.

(iv) The Report was found to contain no pictures. These were removed as a response to the comments by the Assembly on the first version of the report on wrongly captioned pictures that were considered inappropriate and disrespectful to the individuals who were erroneously named. However, the Committee is of the view that pictures if relevant and accurately captioned, can still be used to enrich the document and should not be completely excluded.

3. A marked improvement in specific aspects of the report

The Committee noted an improvement in some aspects of the revised report in terms of chronology and coherence in narration, layout, and presentation whereby the planned activities, based on the operational plan was followed by achievements (implementation status), status of budget execution and finally challenges, in that order.

However, this is still not consistent whereby some Institutions did not reflect planned activities including, the Lake Victoria Basin Commission (LVBC) on page 76 and the Inter-University Council for East Africa (IUCEA) on page 85. In instances where planned activities were reported, the activities that were not implemented are neither reported on nor reasons given for non-implementation as is the case with Civil Aviation Safety and Security Oversight Agency (CASSOA) on page 73.

4. The need to make relevant reference to strategic EAC Policy Documents and the Pillars of integration

The Committee observed that there is no reference made to the EAC Development Strategy and the pillars of integration. The due reference to policy documents

should also include Summit Directives, Council Decisions as well as Assembly recommendations and Resolutions. There is also need for monitoring and evaluation tools that report on the performance and are used in reporting and the linkages therein.

In the same context, all relevant working documents that inform the Annual Reports should be availed to the Committee to facilitate review of the report. These documents may also be presented in summary form and include the annual operational plan, biannual or quarterly activity reports showing the implementation status as well as projections for the coming financial year.

5. The need for a set structured format for the EAC Annual Reports

The Committee observed that there is no set structured format to the Report. The Assembly has continuously called for a report that is suitable for parliamentary scrutiny and is able to inform policy and legislation as well as reflect a true picture of the Community. It should clearly reflect set priorities, challenges gaps, opportunities and way forward. The Committee finds this a reflection on EAC staff who do not take their assignment seriously enough during compilation. Furthermore, there is still need for professional editing and final proof reading to create a comprehensive style with coherence, consistency and uniformity.

6. The need to reflect challenges beyond monetary and funding matters

In this regard, the Committee referred to the inexhaustive manner in which challenges are reported on as funding and monetary almost uniformly in all Organs and Institutions without stating the actionable issues that can be focused on or explored. These include the need for changes in mindset for a more positive perception of the integration process by people of East Africa, the salient reasons for non-ratification of protocols, non-assent to and non-domestication of EAC Acts. The solutions the Community has proposed and implemented should be highlighted as well as the status of implementation and tangible results so far realized. These

have not been reported on giving rise to the need for the report to be alive to contemporary issues and challenges and reflect them, with tangible solutions.

4.0 Meeting with the Ministers in charge of EAC Affairs - 25th September 2018

The Committee held a meeting with the Ministers responsible for EAC Affairs led by Hon. Julius Wandera Maganda, Deputy Minister in charge of EAC Affairs, Republic of Uganda, Hon. Isabella Ndahayo, Minister in the office of the President responsible for East African Community Affairs, Republic of Burundi; Hon. Moses Tiel, Minister of Trade, Industry and East African Affairs, Republic of South Sudan, Hon. Dr. Susan Kolimba, Deputy Minister for Foreign Affairs and East African Co-operation, United Republic of Tanzania. Also present was Hon. Adan Mohamed, the incoming Cabinet Secretary, Ministry of East African Community and Northern Corridor Development from the Republic of Kenya as an Observer and the EAC Secretary General, Hon. Amb. Liberat Mfumukeko.

The Hon. Chairperson Council of Ministers expressed appreciation for the efforts of the Committee in considering the EAC Annual Report for 2014/2015.

Hon. Maganda informed the Committee that the improvements the Committee had commended were as a result of the Council over the years taking note of the recommendations by the Assembly and undertook to ensure further improvements in the EAC Annual Reports, particularly since a format had been formulated.

With regard to the timeliness of the report, the Honourable Minister informed the Committee that a format had been formulated and the Secretariat has a report writing Committee that compiles and prepares the report. It is therefore expected that the quality of the report will improve further and be tabled accordingly.

He further reminded the Committee that the Report for 2015/2016 was already before the Committee on General Purpose while the Report for 2016/2017 was

undergoing the final process in the Office of the Secretary General and will be tabled in the ongoing Meeting of the Assembly.

With regard to a given time-frame, the Committee was informed that since the Audited Accounts of the Community were expected to be contained in the Annual Report, the ideal time-frame for tabling is at least six months after the financial year under review. The Council of Ministers would as much as possible, endeavor to adhere to this time-frame. Hon. Maganda further assured the Committee that the EAC Annual Report is only circulated in the Partner States after adoption of the Report by the Assembly.

The Honourable Minister on behalf of the Council of Ministers assured the Committee that the Secretariat is determined to continuously improve its systems by adhering to quality management standards particularly since the EAC is International Organisation of Standardisations (ISO) certified. The EAC is one of the only two ISO certified Regional Economical Communities (RECs). All EAC processes are continuously improved, including taking into account the recommendations of the Assembly with regard to the EAC Annual Report.

5.0 Recommendations

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

1. To strictly adhere Article 14 (2) of the Treaty for the Establishment of the East African Community. This would include review of the reports before they are presented to the Assembly to ensure quality control in terms of among others; facts, figures, analyses, general presentation and layout. The approved format should be consistently adhered to.
2. To table before the Assembly all pending Annual Reports of 2016/17, 2017/18. Thereafter, the reports should be presented in a timelier manner to inform the budget process of the subsequent financial year adhering to the month of February, following the end of the financial year under review.

3. To include complete financial statements of all Organs and Institutions as well as all annexes necessary for review of the Annual Report as pointed out in part 3.2.4 of this Report.

6.0 Conclusion

The Committee appreciates the achievements that the Council of Ministers reported on at that point in time in 2014/15 including regional infrastructure development with improvements in road connectivity and operations across the region, harmonization of national road standards, design and construction of the dual carriageway section along the Northern Corridor as well as operationalization of the One Stop Border Posts, vehicle load control and promotion of EAC as a Single Investment Destination . Progress has continued to be registered in these regional projects and many others.

The Committee noted a significant improvement in the new version of the report but is of the view that further improvements need be done in the future.


The Committee therefore recommends to the House to adopt the Report of the Committee on the Second Version of the EAC Annual Report 2014/15.


Rt. Hon. Speaker Sir, I beg to move.

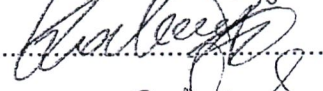
**REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE
CONSIDERATION OF THE EAC ANNUAL REPORT FOR 2014/15**

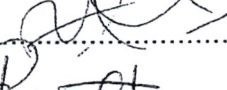
21ST – 25TH AUGUST 2018, ARUSHA, TANZANIA

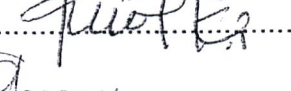
1. Hon. Abdikadir Omar Aden
2. Hon. Ayason Mukulia Kennedy
3. Hon. Dr. Kalinda Francois Xavier
4. Hon. Dr. Makame Abdullah Hasnuu
5. Hon. Duop Kim Gai
6. Hon. Eng. Maassay Pamela Simon
7. Hon. Gasinzigwa Oda
8. Hon. Gatkek Dut Thomas
9. Hon. Karerwa Mo-Mamo
10. Hon. Namara Dennis
11. Hon. Nduwayo Christopher
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

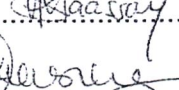
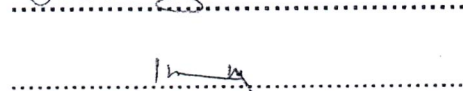

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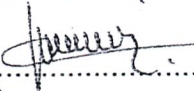

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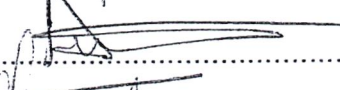

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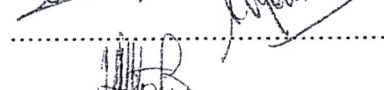

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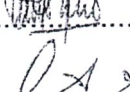


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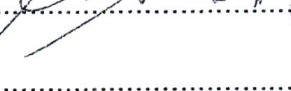

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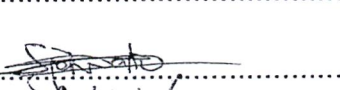

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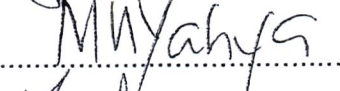

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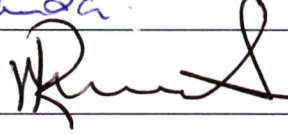

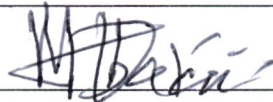
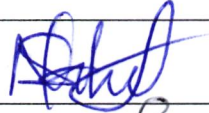
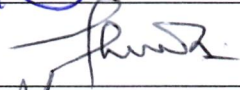
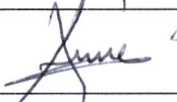


SELECT COMMITTEE ON REGIONAL INTEGRATION

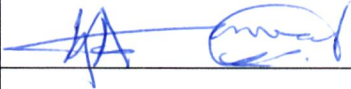

**ADOPTION OF REPORT ON CONSIDERATION OF REPORTS ADOPTED BY THE
EAST AFRICAN LEGISLATIVE ASSEMBLY**

1. REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE & INVESTMENT ON THE EAST AFRICAN COMMUNITY CUSTOMS MGT BILL (NO 23) BILL 2018
2. REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE CONSIDERATION OF EAC ANNUAL REPORT 2014/15

We the undersigned, hereby affix our signatures to this Report to affirm our approval

DATE 30/04/2019 TIME 11.30am VENUE Members Lounge

	NAME	SIGNATURE
1.	Hon. Naisula Lesuuda, M.P, OGW (Chairperson)	
2.	Hon. Capt. Ruweida Mohamed, M.P (Vice-Chairperson)	
3.	Hon. Christopher Nakuleu, M.P	
4.	Hon. Kubai Iringo, M.P	
5.	Hon. Elijah Memusi Kanchory, M.P *	
6.	Hon. Janet Teyiaa, M.P	
7.	Hon. Joyce Emanikor, M.P	
8.	Hon. Eve Obara, M.P	
9.	Hon. Ezekiel Ombaki, M.P	
10.	Hon. Janet Ong'era M.P	
11.	Hon. Mathias Robi, M.P	
12.	Hon. Rozaah Buyu, M.P	
13.	Hon. Malulu Injendi, M.P	
14.	Hon. Nasri Ibrahim, M.P	
15.	Hon. Dr. Gideon Ochanda, M.P	
16.	Hon. Ali Wario, M.P	
17.	Hon. Abdi Mude Ibrahim, M.P	
18.	Hon. Erastus Nzioka, M.P	
19.	Hon. William Kamket, M.P	

20.	Hon. Ndindi Nyoro, M.P	
21.	Hon. Kassim Tandaza, M.P	
22.	Hon. Gideon Keter, M.P	
23.	Hon. Geoffrey Omuse, M.P	

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MINUTES OF THE TWELFTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 30TH APRIL, 2019 IN THE MEMBERS LOUNGE, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Dr. Gideon Ochanda, M.P.
4. Hon. Elijah Memusi Kanchory, MP
5. Hon. Erastus Kivasu Nzioka, MP
6. Hon. Ali Wario Guyo, M.P.
7. Hon. Kassim Tandaza, MP
8. Hon. Abdi Mude Ibrahim, MP
9. Hon. Nasri Sahal Ibrahim, MP
10. Hon. Ezekiel Ombaki, MP
11. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Kubai Iringo, MP
2. Hon. Janet Teiyaa, MP
3. Hon. Mathias Robi, M.P
4. Hon. Sen. Janet Onge'ra, MP
5. Hon. Malulu Injendi, M.P
6. Hon. Ndindi Nyoro, M.P.
7. Hon. Gideon Keter, M.P
8. Hon. Joyce Emanikor, MP
9. Hon. Eve Obara, M.P
10. Hon. William Kamket, M.P.
11. Hon. Rozaah Buyu, MP

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant
2. Mr. Boniface Mugambi - Serjeant At Arms

MIN. NO. NA/RIC/2019/56

PRELIMINARIES

The Chairperson called the meeting to order at fifty minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/57

CONFIRMATION OF MINUTES

Minutes of the 6th sitting held on Friday 15th March, 2019 at 10.00 am were confirmed as a true record of proceedings of that day and proposed by Hon. Elijah Memusi Kanchory, M.P and seconded by Hon. Erastus Kivasu Nzioka, M.P

Minutes of the 7th sitting held on Friday 15th March, 2019 at 3.00 pm were confirmed as a true record of proceedings of that day and proposed by Hon. Erastus Kivasu Nzioka, M.P and seconded by Hon. Kassim Tandaza, M.P.

Minutes of the 8th sitting held on Saturday 16th March, 2019 at 10.00 am were confirmed as a true record of proceedings of that day and proposed by Hon. Kassim Tandaza, M.P and seconded by Hon. Elijah Memusi Kanchory, M.P.

Minutes of the 9th sitting held on Saturday 16th March, 2019 at 3.00 pm were confirmed as a true record of proceedings of that day and proposed by Hon. Erastus Kivasu Nzioka and seconded by Hon. Elijah Memusi Kanchory, M.P.

Minutes of the 10th sitting held on Tuesday 26th March, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. Nasri Ibrahim, M.P and seconded by Hon. Ali Wario Guyo, M.P.

Minutes of the 11th sitting held on Wednesday 27th March, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. Ali Wario Guyo, M.P and seconded by Hon. Erastus Kivasu Nzioka, M.P.

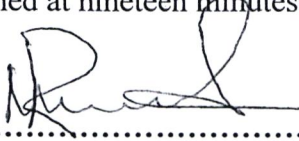
**MIN. NO. NA/RIC/2019/58 CONSIDERATION AND ADOPTION OF THE
REPORT ON REPORTS ADOPTED BY THE
EAST AFRICAN LEGISLATIVE ASSEMBLY AT
THE 1ST MEETING OF THE 2ND SESSION OF
THE 4TH ASSEMBLY- ARUSHA- TANZANIA**

The Committee considered and adopted the report on its consideration of the following reports adopted by the East African Legislative Assembly at the 1st Sitting of the 2nd Session of the 4th Assembly held in Arusha Tanzania, having been proposed and seconded by the Hon. Erastus Kivasu Nzioka and Seconded by the Hon. Ali Wario, M.P.

1. Report of the Committee on Communication ,Trade and Investments on the East African Community Customs Management(Amendment)(No.2) bill, 2018
2. Report of the Committee on General Purpose on the Consideration of the EAC Annual Report 2014/2015

MIN. NO. NA/RIC/2019/59 ADJOURNMENT

The meeting adjourned at nineteen minutes past twelve o'clock.

SIGNED.....

(Chairperson)

DATE.....9/05/2019.....

MINUTES OF THE SIXTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON FRIDAY 15TH MARCH, 2019 IN THE CONFERENCE ROOM, HOTEL ENGLISHPOINT MARINA, MOMBASA, MAIN AT 10.00 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Dr. Gideon Ochanda, M.P.
4. Hon. Kubai Iringo, MP
5. Hon. Erastus Kivasu Nzioka, MP
6. Hon. Elijah Memusi Kanchory, MP
7. Hon. Mathias Robi, M.P
8. Hon. Kassim Tandaza, MP

ABSENT WITH APOLOGIES

1. Hon. Malulu Injendi, M.P
2. Hon. Eve Obara, M.P
3. Hon. Abdi Mude Ibrahim, MP
4. Hon. Ndindi Nyoro, M.P.
5. Hon. William Kamket, M.P.
6. Hon. Nasri Sahal Ibrahim, MP
7. Hon. Joyce Emanikor, MP
8. Hon. Ezekiel Ombaki, MP
9. Hon. Janet Teiyaa, MP
10. Hon. Sen. Janet Onge'ra, MP
11. Hon. Ali Wario Guyo, M.P.
12. Hon. Rozaah Buyu, MP
13. Hon. Gideon Keter, M.P
14. Hon. Geoffrey Omuse, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abenayo Wasike - Senior Clerk Assistant
2. Ms. Ruth Mwihaki Gakuya - Third Clerk Assistant
3. Ms. Catherine Mukunyi - Serjeant At Arms
4. Ms. Christine Sabdio - Office Assistant

MIN. NO. NA/RIC/2019/030

PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock and a prayer was said.

**CONSIDERATION OF THE REPORT OF THE
COMMITTEE ON COMMUNICATION, TRADE
AND INVESTMENT ON THE EAST AFRICAN
COMMUNITY STATISTICS BUREAU BILL, 2018**

The Committee considered the Report of the Committee on Communication, Trade and Investment on the East African Community Statistics Bureau Bill, 2017 as follows:-

1. The East African Community Statistics Bill, 2017 (“the Bill”) was subjected to first reading during the 2nd meeting of the First Session of the Fourth Assembly held in Kampala, Uganda on 8th February, 2018. Thereafter, the Bill was referred to the Committee on Communication, Trade and Investments for consideration.
2. The Report of the Committee on Communication, Trade and Investment on the East African Community Statistics Bureau Bill, 2017 report was laid on the EALA table on the 2nd of October 2018.
3. In its consideration of the Bill, the EALA Committee on Communications, Trade and Investments reviewed literature regarding the subject matter of the Bill and reviewed the Protocol on the Establishment of the East African Community Monetary Union and sought and received views from:-
 - all the National Bureau of Statistics of the EAC Partner States,
 - the Kenya Institute for Public Policy Research and Analysis,
 - the Economic Policy Research Centre, (Makerere University, Kampala)
 - East Africa Statistical Training Centre (Dar es Salaam) and
 - Southern and Eastern Trade Information and Negotiations Institute.
4. The Committee received and considered Memoranda from ;
 - i. National Bureau of Statistics, Republic of South Sudan
 - ii. the Economic Policy Research Centre, (Makerere University, Kampala)
 - iii. East Africa Statistical Training Centre (Dar es Salaam)

Committee Observations

The Committee observed that:

1. Despite the Committee seeking views from relevant stakeholders in Partner States, the Kenya National Bureau of Statistics and the Kenya Institute for Public Policy Research and Analysis did not submit their memoranda on the Bill upon being requested to do so.
2. The EALA Committee on Communications, Trade and Investments recommended for the adoption of Committee’s Report and passing of the Bill with amendments relating to the composition and staff of the Board of the *proposed* East African Community Statistics Bureau.

Committee Recommendations

1. The Committee supports the recommendations of the Report of the Committee on Communication, Trade and Investment on the East African Community Statistics Bureau Bill, 2017 approving the passing of the East African Community Statistics Bureau Bill, 2017 with amendments relating to the composition and staff of the Board of the *proposed* East African Community Statistics Bureau as approved by the EALA
3. The Committee urges relevant stakeholders in Partner States to ensure they submit their comments on East Africa Community Bills when called upon to do so. In particular, the Kenya National Bureau of Statistics and the Kenya Institute for Public Policy Research and Analysis should when called upon, submit their memoranda to relevant Bills from the EALA, ensure they do so on time, in order to ensure the Country's views are captured in making of regional laws.

MIN. NO. NA/RIC/2019/032

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ACCOUNTS ON THE AUDITED ACCOUNTS OF THE EAC FOR THE YEAR ENDED 30TH JUNE 2017

The Committee considered the Report of the Committee on Accounts on the Audited Accounts of the EAC for the Year Ended 30th June 2017 and noted that the EALA Committee on Accounts had made specific and actionable recommendations on all the Audit issues raised.

The Committee therefore resolved to supports the observations and recommendations made by the EALA Committee on Accounts and recommends for the adoption of the report as presented.

MIN. NO. NA/RIC/2019/033

CONSIDERATION OF THE COMMITTEE ON GENERAL PURPOSE REPORT ON THE EAC ANNUAL REPORT 2014/2015

The Committee considered the report and noted that the EALA Committee on General Purpose had subsequently made the following recommendations in its report:

1. That the Council of Ministers to strictly adhere to Article 14(2) of the Treaty for the establishment of the East African Community. This would include review of reports before they are presented to the Assembly to ensure quality Control in terms of amongst others Facts, figures, analyses, general presentation and layout. The approved format should be consistently adhered to.

2. That the Council of Ministers should table before the Assembly all pending annual reports of 2016/2017, 2017/2018. Thereafter the reports should be presented in a timelier manner to inform the budget process of the subsequent financial year under review
3. That the House to adopt the Report of the Committee on the Second Version of the EAC Annual Report 2014/2015.

Committee Observations

The Committee observed that:

1. The report has been submitted to the Kenya National Assembly without the records of debates and resolutions of EALA on the report which is contrary to Article 65(a) of the East African Community Treaty.
2. The actual Annual report for 2014/2015 was not annexed to the Committee Report.

Committee Recommendations

The Committee agrees with and supports the adoption of the Report of the EALA Committee on General Purpose on the Second Version of the EAC Annual Report 2014/2015.

MIN. NO. NA/RIC/2019/034 ADJOURNMENT

The meeting adjourned at twenty minutes past one o'clock.

SIGNED.....
(Chairperson)

DATE..... 30/4/2019

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(THIRD SESSION)

CLERK-AT THE TABLE:	BY:	TABLED	DATE:
		Chair, Select Committee on Regional Integration	18 AUG 2019
 THE NATIONAL ASSEMBLY PAPERS LAID DAY			

REPORT OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION

CLERK-AT THE TABLE:	BY:	TABLED	DATE:
		Chair, Select Committee on Regional Integration	18 AUG 2019
 THE NATIONAL ASSEMBLY PAPERS LAID DAY			

ON AN INTERACTIVE STUDY VISIT TO THE EAST AFRICA

COMMUNITY HEADQUARTERS IN ARUSHA, TANZANIA FROM MAY

16TH – 22ND MAY, 2019

Directorate of Committee Services
National Assembly
Parliament Buildings
NAIROBI

Approved for Table
8/8/19
DWA

AUGUST, 2019

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1.2 Committee’s Mandate	5
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2.2 Interactive Session with the East African Business Community	17
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FOREWORD

On behalf of the Select Committee on Regional Integration and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honor to present to this House the Report of the Committee on its visit to Arusha, Tanzania at the East Africa Community (EAC) Headquarters for Bespoke Training on East African Community matters and interactive study visit to the East Africa Legislative Assembly (EALA), East Africa Court of Justice (EACJ) and the East Africa Business Council (EABC).

The Committee wishes to register its appreciation to the Secretariat of the East Africa Law Society (EALS) for the invitation and coordination which enabled the Parliamentary Delegation to participate in the activity. The Committee also wishes to express special gratitude to the office of the Clerk of the National Assembly for the support accorded to Members of the Committee and staff, in execution of its mandate.

Hon. Naisula Lesuuda, OGW, M.P
Chairperson Select Committee on Regional Integration

1.0 INTRODUCTION

1.1 Committee Membership

The Select Committee on Regional Integration is established under the National Assembly Standing Order 212. It was constituted in December 2017 following adoption of a Motion on membership of committees by the House. The Committee comprises of the following Members:

1. Hon. Naisula Lesuuda, M.P, OGW – Chairperson
Samburu West Constituency
KANU
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
Lamu County Women Representative
Jubilee Party
3. Hon. Christopher Nakuleu, M.P
Turkana North Constituency
Jubilee Party
4. Hon. Dr. Gideon Ochanda, M.P.
Bondo Constituency
Orange Democratic Movement
5. Hon. Joyce Emanikor, M.P
Turkana County Women Representative
Jubilee Party
6. Hon. Janet Ong'era, M.P.
Kisii County Women Representative
Orange Democratic Movement
7. Hon. Kubai Iringo, M.P
Igembe Central Constituency
Jubilee Party
8. Hon. Mathias Robi, M.P
Kuria West Constituency
Jubilee Party
9. Hon. Ezekiel Ombaki, M.P
Nyaribari Masaba Constituency
NAPK Party
10. Hon. Abdi Mude Ibrahim, M.P
Lafey Constituency
Economic Freedom Party (EFP)
11. Hon. Ali Wario Guyo, M.P.
Garsen Constituency
Wiper Democratic Movement Party
12. Hon. Elijah Memusi Kanchory, M.P
Kajiado Central Constituency
Orange Democratic Movement
13. Hon. Erastus Nzioka, M.P
Mbooni Constituency
ND Party
14. Hon. Eve Obara, M.P
Kabondo Kasipul Constituency
Orange Democratic Movement
15. Hon. Geoffrey Omuse, M.P
Teso South Constituency
Orange Democratic Movement
16. Hon. Gideon Keter, M.P
Nominated
Jubilee Party
17. Hon. Janet Teiyaa, M.P
Kajiado County Women representative
Jubilee Party
18. Hon. Kassim Tandaza, M.P
Matuga Constituency
ANC

19. Hon. Malulu Injendi, M.P

Malava Constituency

Jubilee Party

20. Hon. Ndindi Nyoro, M.P.

Kiharu Constituency

Jubilee Party

21. Hon. Nasri Sahal Ibrahim, M.P

Nominated (FORD-K)

22. Hon. Rozaah Buyu, M.P

Kisumu County Women Representative

Orange Democratic Movement

23. Hon. William Kamket, M.P.

Tiaty Constituency

KANU

1.2 Mandate of the Committee

As provided for in Standing Order 212 (2), the Committee is mandated to-

- (a) Enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
- (b) Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
- (c) Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
- (d) Examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
- (e) Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

1.3 Members of the Delegation

The National Assembly Select Committee on Regional Integration was represented by a delegation of eight members namely;

- (1) Hon.Naisula Lesuuda, M.P – Chairperson/Head of Delegation
- (2) Hon. Joyce Emanikor, M.P
- (3) Hon.Geoffrey Omuse, M.P
- (4) Hon. Eve Obara, M.P

(5) Hon. William Kamket, M.P

(6) Hon. Mathias Robi, M.P

(7) Hon. Kassim Tandaza, M.P

(8) Hon. Elijah Kanchory, M.P

Committee Secretariat

Mr. Abenayo Wasike - Senior Clerk Assistant/Delegation Secretary

Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant

2.0 BACKGROUND

1. The Committee was invited by the East Africa Law Society (EALS) for an interactive study visit to the East African Community (EAC) at its Headquarters in Arusha, Tanzania. This report is developed following interaction with the Speaker of EALA, Committees of the legislative Assembly, East Africa Court Justice (EACJ), East Africa Business Council (EABC) and the East Africa Law Society (EALS).
2. The programme followed recognition by EALS of the role played by Parliaments in matters of regional, sub-regional and inter-regional cooperation as well as regional economic integration based on equality of partnership in strengthening international cooperation. This informed EALS on the need for members dealing with integration matters to be appraised on the EAC process and laws as well as building their capacity to effectively respond to emerging issues in regional integration.
3. According to numerous studies, the EAC bloc is one of the fastest growing economic blocs in the world. With well over 172 million citizens and a GDP of more than US \$ 172 Billion (EAC Statistics 2017), EAC is a very attractive investment bloc with its common and open market, customs union and movement towards a monetary union and political federation.
4. The reduced market fragmentation, trade liberalization, free movement of people, goods and services has been achieved by mutually inclusive efforts by all EAC Partner States and other development partners. However, this growth has not been without challenges with the bloc facing the following key challenges in its bid to realize full integration; Tedious and Costly Decision/Policy Making Processes; National Sovereignty and lack of Executive Authority at EAC level; Economic disparity at Partner States level and lack of Equitability Mechanisms; Changing Global Environment; Resource constraints/Financial Challenges and Lack of awareness among East Africans on the integration process.
5. The committee appreciates that the EALS together with the EABC have been working closely with the EAC to streamline the Community and address the above challenges. The two bodies have observer status at EAC and have more than often pushed the integration agenda beginning with ensuring respect for human rights and the rule of law to providing

technical support to the bloc to advisory services on the direction of the bloc to trade facilitation and advocacy for removal of tariff and non-tariff barriers.

6. Part of EALS' regional integration advocacy is working with the decision makers especially legislators in an effort to harmonise laws and policies. This is in addition to building the capacity of legislators and raising their level of awareness on regional integration processes.
7. The Committee found the visit appropriate in order to strengthen its regional integration oversight mandate and effective participation in the establishment of new regional economic frontiers for collective benefit of the East Africa Community. We learnt that the objective of the interactive visit is to facilitate economic coordination and cooperation for development, the achievement of development goals and the sharing of best practices and knowledge.
8. The committee's participation was informed by the need for broad understanding of its mandate at regional level. It offered an opportunity for members to be introduced to the emerging scenarios that dictate integration process in the region and different parts of the world.

2.1 COMMITTEE'S SCHEDULE OF ACTIVITIES

2.1.1 Briefing Session at the East African Community

Members of the delegation were taken through a general orientation session on what the EAC is. This was done by officials from the East Africa Law Society as well as the East African Community Secretariat. Some of the details that the members were taken through include:

2.1.1.1 The East African Community - EAC

9. The East African Community (EAC) is a regional intergovernmental organisation made up of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda. The Community has its headquarters in Arusha, Tanzania.

10. The EAC is home to 172 million citizens, of which over 22% is urban population. With a land area of 2.5 million square kilometers and a combined Gross Domestic Product of US\$ 172 billion (EAC Statistics for 2017).
11. The work of the EAC is guided by its Treaty which established the Community. It was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States - Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The Republic of South Sudan acceded to the Treaty on 15 April 2016 and became a full Member on 15 August 2016.

2.1.1.2 Organs and Institutions of the Community

12. Organs of the Community Include: the Summit, Council of Ministers, Coordination Committee, Secretariat, East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ).
13. Institutions of the Community include: the Inter-University Council of East Africa (IUCEA), Civil Aviation Safety and Security Oversight Agency (CASSOA), Lake Victoria Basin Commission (LVBC), Lake Victoria Fisheries Organisation (LVFO) and the East African Science and Technology Commission (EASTECO), EAC Competition Authority (EACCA), East African Kiswahili Commission (EAKC), East African Health Research Commission (EAHRC), and East African Development Bank (EADB).
14. Apex Bodies include: East African Business Council, East African Law Society, East African Trade Union Council, East African Magistrates' and Judges Association, East African Civil Society Forum, etc. *Apex bodies are not Institutions of the EAC. They are mostly made up of the private sector and civil society organizations.*

2.1.1.3 Stages of EAC integration

15. Article 5 (2) of the Treaty for the Establishment of the EAC provides that Partner States undertake to establish among themselves and in accordance with provisions of the Treaty:

- a Customs Union – Established in 2005, became fully operation in 2010;
- a Common Market – Protocol signed in 2009, launched in 2010
- a Monetary Union – Efforts ongoing to have single currency.
- Ultimately a Political Federation.

16. Achievements of the East African Community

- Implementation of the Single Customs Territory;
- Harmonization of national policies, laws and regulations to conform to the Common Market Protocol;
- Increased intra-regional trade;
- Increased cross-border investment;
- Significant elimination of non-tariff barriers to trade;
- Significant efforts at harmonization of education systems and curricula.
- Harmonization of fiscal, monetary and exchange rate policies
- Harmonization of banking rules and regulations, trading practices and regulations in the stock exchanges and financial markets.
- Implementation of diverse initiatives aimed at providing East Africans with adequate, reliable and cost effective energy, and;
- Cooperation among Partner States in facilitating cross-border security, defense, peace and security initiatives.

2.1.1.4 The Budget for the EAC in 2017/2018 Financial Year

17. According to the 2017/2018 Financial Year, EAC had a budget amounting to US\$110 million. In this amount, EAC Partner States contributed US\$57.2 million and Development Partners US\$52.8 million. Currently, Partner States contribute equally.

2.1.1.5 Challenges facing the East African Community

18. The EAC is not without its own challenges ranging from mistrust among Partner States, to financial challenges to differences in ideology. Though they had been mentioned earlier, the same have been emphasized here-

- Tedious and Costly Decision/Policy Making Processes;
- National Sovereignty and lack of Executive Authority at EAC level;

- Economic disparity at Partner States level and lack of Equitability Mechanisms;
- The Changing Global Environment;
- Resource constraints/Financial Challenges; and,
- Lack of awareness among East Africans on the integration process.

19. Members then deliberated on these challenges and other EAC issues and promised to follow up with relevant authorities to ensure integration activities were streamlined for the common good of East Africans.

2.1.2 Interactive Session with EALA’S Legal, Rules and Privileges Committee

20. Members of the Committee held an interactive session with the Legal, Rules and Privileges Committee of EALA. The Committee of the regional Assembly is tasked with receiving, reviewing, scrutinizing and investigating complaints against legal entities within EAC of denial/deprivation of enjoyment or inappropriate enjoyment, and use contrary to provisions of the Treaty, Protocols and Agreements by any persons resident within the EAC, regardless of the legal status or the presence of such persons; oversight of the work of EAC – Sectoral Committees and organs.

21. The two Committees deliberated on the functions undertaken by the EALA Committee and its achievements so far.

22. The chair of the Committee noted that apart from its core mandate of ensuring adherence to the rules of procedure of the House, the Committee is also undertaking an exercise that will lead to Amendment of the Rules of Procedure of the House to make them more vibrant. The Committee also undertakes EAC oversight and ensures quality legislation.

23. He also talked about the current partnership with EALS on the Whistle Blowers Protection Bill 2018 where EALS is conducting a baseline study to support the Bill. He urged more cooperation and the need for Partner States to readily assent to and implement EALA Laws.

24. On their Part the Regional Integration Committee of the National Assembly of Kenya congratulated the Committee for it’s good work and promised to work with the Heads of State to ensure EAC Laws are readily implemented in Kenya and across the region.

2.1.3 Roundtable Meeting with EALA leadership and updates on Status of EALA Bills and Acts

25. On Friday 17th May 2019, the Committee had a round table meeting with the EALA leadership being the Speaker of the Assembly, the Rt Hon. Martin Ngoga from the Republic of Rwanda.

Legislative mandate of EALA

26. From its inauguration on November 30th, 2001 to date, EALA has successfully established itself into a strong and effective regional legislature and registered a number of achievements.

27. As a legislative arm of the Community, the Assembly has continued to fulfill its legislative, oversight and representative functions in a number of ways:

- the Assembly has passed over 70 pieces of legislation, a number of which are very fundamental in the EAC integration process.
- It should be noted that laws enacted by the Assembly take precedence over similar national ones on matters pertaining to the Community.

26. The Assembly is determined to ensure that the necessary laws that facilitate the implementation of the provisions of the Treaty for the establishment of the EAC and other attendant agreements that will drive the integration process are, have been, and will be enacted.

Oversight Mandate of EALA

28. This entails interrogating public policies and public funds earmarked to pursue these policies to ensure efficiency and effectiveness, fairness and equity in their administration or implementation. This is done mainly through the respective committees of EALA. The EALA Committees do oversight through on-spot assessment activities on the EAC Organs, Institutions and Projects.

29. EALA also demands regular progress reports on the implementation of the various programmes and projects from respective departments of the EAC Secretariat and Council of Ministers.

Representative mandate of EALA

30. The Assembly serves as democratic link between the institutions of the East African Community and the people of East Africa. EALA, like any other legislature is the peoples' voice for the citizens of East Africa about the commitments and policies of their governments to the EAC.

31. It does this through Public Hearings, workshops, seminars, and public rallies on all major stages of integration and legislations.

Budgetary Oversight Role of EALA

32. EALA plays a crucial role by providing direction on the EAC spending and allocation of resources as provided by Article 132 (5) of the Treaty. This mandate has provided an important opportunity to EALA to debate the budget and allocate resources in line with the priorities of the Community.

33. Although EALA was given all these powers over the budget by the Treaty, as of now, this does not include entitlements to draw up or revise budgets upwards.

Composition of EALA

34. EALA Members consists of a total of 62, of whom 54 are elected Members (9 from each Partner State - **Burundi, Kenya, Tanzania, South Sudan, Uganda and Rwanda**)

It has eight ***EX-OFFICIO*** members:

- the 6 Ministers responsible for EAC Affairs from the 6 Partner States
- the Secretary General of the Community
- the Counsel to the Community - Principal legal adviser to the Community

Members are elected for a term of five years and are eligible for re-election, once.

Committees of EALA

35. EALA has 6 Standing Committees which undertake most of the tasks on behalf of the Assembly to increase the efficiency of the Assembly in discharge of their mandate in various ways.
36. The Members of each Standing Committees are nominated from among the Members of the Assembly and serve for a term of two and half years and thereafter fresh nominations are done. Each elected Member serves on two Committees. This reflects equal representation by the Partner States.

The Committees include:

1. Legal, Rules and Privileges
2. Regional Affairs and Conflict Resolution
3. Agriculture, Tourism and Natural Resources
4. General Purpose
5. Accounts Committee
6. Communication, Trade and Investment

The Law-Making Process at EALA

37. EALA Bills are generated by and originate from both the Council of Ministers and EALA Members (Private Members Bill). Article 59 of the Treaty allows for private members Bills where a Member of the Assembly may propose any motion or introduce any Bill in the Assembly.
38. Once a Bill is introduced in the Assembly it is printed and published before it is brought to House. In urgent cases and where deemed so and passed by House it can be without publication. It is then read 3 times (1st Reading, 2nd Reading, 3rd Reading) before being passed. At 2nd reading, debate may ensue on merits & Principles of Bill and it may be committed back to Committees for amends, new clauses, schedules etc. Once ENACTED, it is committed to Summit for assent to law.

Challenges faced by the East African Legislative Assembly

38. The Hon. Speaker noted the following as the Assemblies core challenges:

- (a) Lack of effective mechanisms to create awareness of the Treaty provisions and Community laws.
- (b) Limited awareness of benefits of EAC integration by the population.
- (c) Lack of enforcement mechanisms of Community laws, resolutions and the Treaty.
- (d) Lack of institutionalization of liaison between the Assembly & National Parliaments.
- (e) Preferred use of Protocols over legislation.
- (f) Unreliable resource mobilization strategy and sources of funding to the Community
- (g) Key activities of the Assembly such as public hearings, capacity building and research not funded by the community budget.
- (h) Understaffing and limited staff capacity to execute work.
- (i) Limited financial and administrative autonomy.
- (j) Challenges in publicity

39. The Hon speaker noted that despite these challenges, the Assembly can boast over 70 laws having been passed within the short time that the Assembly has existed. Despite not having an independent kitty, the Assembly still manages working with existing funds.

40. He added that more needed to be done in implementation of passed EALA laws as well as in assent of Bills into law as there were many unsigned Bills passed by the Assembly. He commended the advocacy work of EALS on this regard with a request for the regional Law Society to do more.

41. On their Part Members of the regional Integration Committee from Kenya pledged to support the regional Assembly through high level advocacy to get a budget of their own and to have its laws recognized and implemented by member States.

2.1.4 Interactive Session with EALA's Accounts Committee

42. In order to have a comprehensive understanding of how funds received by the Community are oversights, the Regional Integration Committee also visited the Public Accounts

Committee of EALA on Tuesday 21st May 2019. They made consultations with members of the Committee who were on a post audit review.

43. The chairman of the Committee notified the Committee that the main functions of the Accounts Committee of EALA was to carry out a post audit review and scrutiny of the expenditure incurred by the EAC Secretariat, the Organs and Institutions of the Community.
44. The post audit review and scrutiny of the expenditure is conducted on the basis of an annual audit report of the Audit Commission, pursuant to provisions of Articles 49(2) (c) and 134. This function is post budget after implementation of the budget by Organs and Institutions of the EAC.
45. The chairperson noted that according to a qualified opinion on the current report, the main issues were centered on procurement and failure to adhere to procurement standards.
46. He further stated with concern that the oversight role of the Committee and of the Assembly was compromised as EALA is not independent financially. It has to go back to the Secretariat and Partner states for funding.
47. He noted that the Community's current greatest challenge and threat was lack of/inadequate financing. Members of the accounts Committee noted that several East African Countries were not up to date with their contributions to the running of Community Affairs. He urged the Regional Committee to talk to other regional integration committees especially from countries that were not paying up on time to do so.
48. The Chairperson then urged the Kenyan Committee members to urge Kenya to increase its contribution to the running of the Community citing a case where H.E. retired President Kibaki wrote a cheque to sustain the Community.
49. A proposal was also made that like in Europe, a certain percentage, say 0.02% of all imports value should go to the running of EAC as Partner State contribution.
50. Other Members present noted the non-reelection of Kenyan representatives to the Assembly noting that this deprived the regional Assembly of institutional memory.

51. Another significant issue raised by members was the fact that very few East African were aware of regional integration efforts with more needed to be done to rectify this situation.
52. One thing that did not escape member's attention was the persistent issue of non-tariff barriers with members trading blame for their nation's erection of unnecessary barriers to the free movement of goods, services and people (labour). Some of the barriers were retaliatory and meant to frustrate the free conduct of trading activities across the region.
53. Members of the delegation heard the challenges faced by the community especially financial and promised the Committee's commitment to assist in efforts to ensure more remittances by Partner States. Members also promised to follow up on the signature of any pending protocols.
54. Members brought to the attention of the accounts Committee on the plan to bring under one roof all Regional Integration Committees from all the National Assemblies in the region. The Committees will then craft a way forward for the region on areas they experience common challenges. An initial plan for this meeting was proposed for August 2019.
55. It was noted that where a Partner State fails to pay up, it should be sanctioned especially where it is fully paid up in another regional economic community.
56. The delegation observed that there is the need for EAC citizens to be at the frontline in leading the regional integration agenda. This will reflect the right position in a people centred integration process.

2.2 Interactive Session with the East African Business Community

57. The private sector is a key driver of the regional integration agenda. This sector plays a significant role in the movement of goods and people across East Africa in the course of their various business activities.
58. Business facilitation in the EAC is conducted under the auspices of the East African Business Council (EABC) supported by other apex bodies in the region including EALS, EATUC, EACSO and EAHP.

59. For this reason, it was critical that the Committee also visits the Business Council for first-hand information on how the Council handles the private sector and generally cross-border trading activities.
60. The Committee managed to meet the Chief Executive Officer, former EALA MP from Kenya, Hon. Peter Mathuki as well as other officials of the Council.
61. Mr. Mathuki discussed with the team what role EABC plays in trade facilitation and the various challenges that traders face in their attempts to move goods across the East African Borders. He noted with appreciation the growth that has been attained so far under the Customs Union as well as under the Common Market Protocol.
62. He however noted with concern the persistence of non-tariff barriers, official bureaucracy, harassment and delays in moving goods across the various EAC borders, differing standards requirements in the various Partner States among other challenges.
63. He noted that it was upon the political class, the Regional Integration Committee of the Kenya national Assembly included to facilitate the achievement of the EAC dream of a truly single market with no restrictions in the movement of goods, services and labour/people.
64. The Chairperson of the Committee commended the good work that the Council is doing. She urged them to engage more stakeholders in their work of streamlining business in the region.
65. Further discussions with members of the Committee made it clear that it is not only Kenya that needs to take action, all Partner States must be involved if true reform is to be realised. The meeting reached a resolution that all National Assembly Committees dealing with regional integration should meet at least once a year to craft efforts that will further the integration process.

2.3 Roundtable Session with the East African Court of Justice

66. The Committee also got a chance to visit the East African Court of Justice which is the regional Court established under Article 9 of the Treaty for the Establishment of the East African Community.

67. It got the Chance to interact with His Worship, Yufnalis Okubo, the Registrar of the Court. Mr. Okubo took the members through the operational and functional framework of the Court. He noted that the Court is not an Appellate Court like the older EACA Court but one with original jurisdiction to hear matters pertaining to the interpretation of the EAC Treaty.
68. Though the jurisdiction of the Court is limited, the Court has been able to handle more than two hundred (200) References and numerous Appeals from decisions of the first instance Division. This has happened even with the limited budget that the Court has.
69. His Worship the Registrar also went on to note that the fact that the Court operates in an ad hoc basis with no official headquarters also hinders its smooth operation. He further noted that it would be wise to extend the Court's jurisdiction to expressly include Human Rights even though the Court is currently handling many cases with human rights aspects.
70. Such extension of jurisdiction will require amendment of the Treaty and that can only be done where there's sufficient support. The Committee can provide tremendous support towards this.
71. The chairperson and members of the Committee on their part congratulated the Court on its good job in ensuring adherence to provisions of the EAC Treaty and the continued respect for human rights and the rule of law in the region despite the challenges faced.
72. The first action point for the Committee would be to lobby and advocate for amendment of the Treaty to expand the jurisdiction of the Court, give it financial autonomy and decide on a permanent seat for the Court.
73. The first action point for the Committee would be to lobby and advocate for amendment of the Treaty to expand the jurisdiction of the Court, give it financial autonomy and decide on a permanent seat for the Court.

2.4 Meeting with East African Law Society and recap of the Interactive Visit

74. At the end of the consultations, EALS that had facilitated all meetings for the Committee had a sit-down with the members.

75. The CEO of EALS noted the importance of the tour underscoring the need for regular engagement with members of the Committee being key drivers of the integration agenda. He noted that there was need for the Committee to take the revolutionary position and drive integration that in recent years has seemed to slow down.

76. He noted the numerous efforts that have been undertaken by EALS to spur regional growth. Starting with the promotion of cross-border legal practice (Championing for the passage of the Cross-Border Legal Practice Bill by EALA and Signature of the Mutual Recognition Agreement), EALS has been at the forefront in promoting cross-border exchange in professional services. He also highlighted some of the other regional integration efforts by EALS:

- (a) Supporting small scale cross-border traders in Namanga, Busia, Malaba, Mutukula, Taveta/Holili, Gatuna, Kagitumba/Mirama Hills, Elegu/Nimule, Kobero/Kabanga and all major border points in East Africa;
- (b) Technical support to EALA through various MOUs, input to Bills and law making processes among others;
- (c) Technical support to EACJ through training and capacity development of judges and staff
- (d) Public Interest litigation on behalf of EAC Citizens;
- (e) Leveraging on Observer Status at EAC to input into EAC Policy making processes;
- (f) Supporting cross border exchange in legal services;
- (g) Implementing an inclusive Resource Development project to support the extractives sector in the region;
- (h) Promoting the signature of Protocols;
- (i) Promoting review of the EAC Treaty;
- (j) Facilitating civil society dialogue across the region; and,
- (k) Facilitating international partnerships for regional growth

77. He noted the importance of working with the Regional Integration Committee of the Kenya National Assembly and thanked the members present for taking such an initiative that would define the course of integration going forward. He requested that members take this as the beginning of a fruitful partnership for the benefit of East Africans.

78. Through the head of delegation, the committee thanked EALS for excellently hosting the Committee in Arusha and promised to work closely with the regional law body to further the integration agenda.

2.5 Action points going forward

78. The team deliberated and came up with the following action points to be implemented going forward.

- (a) Meeting organized by the East African Business Council (EABC) to be held in August for all Regional Integration Committees of all National Assemblies in the region.
- (b) Led by EALS, the Committee to conduct visits to all major border points to understand challenges citizens go through especially small scale cross-border traders.
- (c) A meeting to be held in Kigali Rwanda alongside the EALS Annual Conference and General Meeting. This meeting to be all inclusive (tax and customs officials, immigration officials, security officials etc). This will sensitize them on how they are to undertake their activities.
- (d) A meeting to be held in Kigali with the current EAC Chairman, H.E. President Paul Kagame of Rwanda (November at the EALS Annual Conference and AGM).

3.0 COMMITTEE'S OBSERVATIONS

79. At its meeting held on 25th June, 2019, the Committee deliberated on the Report and made the following observations-


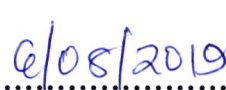
- (1) There is no collaboration among EAC Assemblies for prompt payments to be made to EAC to enable it implement its programmes.
- (2) There is lack of awareness raising campaigns on the EAC integration process across the region.
- (3) There is no adequate funding of the EAC because other partner states are not up to date with their contributions.
- (4) The non-re-election of Kenyan representatives to EALA has deprived the regional Assembly of institutional memory.
- (5) The Treaty for the establishment of the East Africa African Community is under review and this is an opportunity to address emerging challenges on key pillars of regional integration.

- (6) Kenya and Uganda have always assented to most of the Bills passed by the Legislative Assembly. On the other hand Tanzania has not assented to a number of Bills but have given reasons to explain their position.
- (7) Some of the Bills tabled in EALA do not fall within the jurisdiction of regional integration.
- (8) The process of assent to EALA Bills by heads of states is bureaucratic because they have to be briefed by their technical teams first.
- (9) Members of EALA from the Republic of South Sudan were concerned that their lawyers are not allowed to practice law in Kenya.

4.0 COMMITTEE’S RECOMMENDATION

80. Arising from the above observations, the Committee to recommend to the National Assembly that-

- 1. The East African Community should undertake Research on EAC Partner States’ membership in other bodies and their payment status to those bodies.**
- 2. National Assemblies through their respective Committees on regional integration should spearhead awareness raising campaigns on the EAC integration process across the region.**
- 3. The Partner States' National Parliamentary Committees on Regional Integration should collaborate and consult regularly on emerging issues and challenges in the EAC region.**
- 4. EALA should take the lead and advise partner states on areas that need review under the Treaty for the establishment of the East African Community.**
- 5. The relevant provisions of the Advocates Act, 2014 should be amended to accommodate South Sudanese citizens to be considered for admission to practice law in Kenya.**

Signed..........Date..........

Hon. Naisula Lesuuda, OGW, MP
Chairperson

THE ADVOCATES (AMENDMENT) BILL, 2019

A Bill for

AN ACT of Parliament to amend the Advocates Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

- Short title. **1.** This Act may be cited as the Advocates (Amendment) Act, 2019.
- Amendment of section 12 of Cap 16. **2.** Section 12 of the Advocates Act is amended in paragraph (a) by inserting the words “South Sudan” immediately after words “Uganda”.

MEMORANDUM OF OBJECTS AND REASONS

The Principal object of this Bill is to amend section 12 of the Advocates Act, 2014 in order to include South Sudan to be one of the countries whose citizens are qualified for admission as advocates in Kenya. The Bill is informed by the fact that the Republic of South Sudan is a member of the East African Community and there is need to provide for its citizens to be admitted as advocates in Kenya.

Statement on the delegation of legislative Powers and Limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill does not concern County Governments in terms of Article 109 (4) (a) of the Constitution as it does not contain provisions that affect the powers of the County Government set out in the fourth Schedule.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion expenditure of public funds.

Dated the.....2019

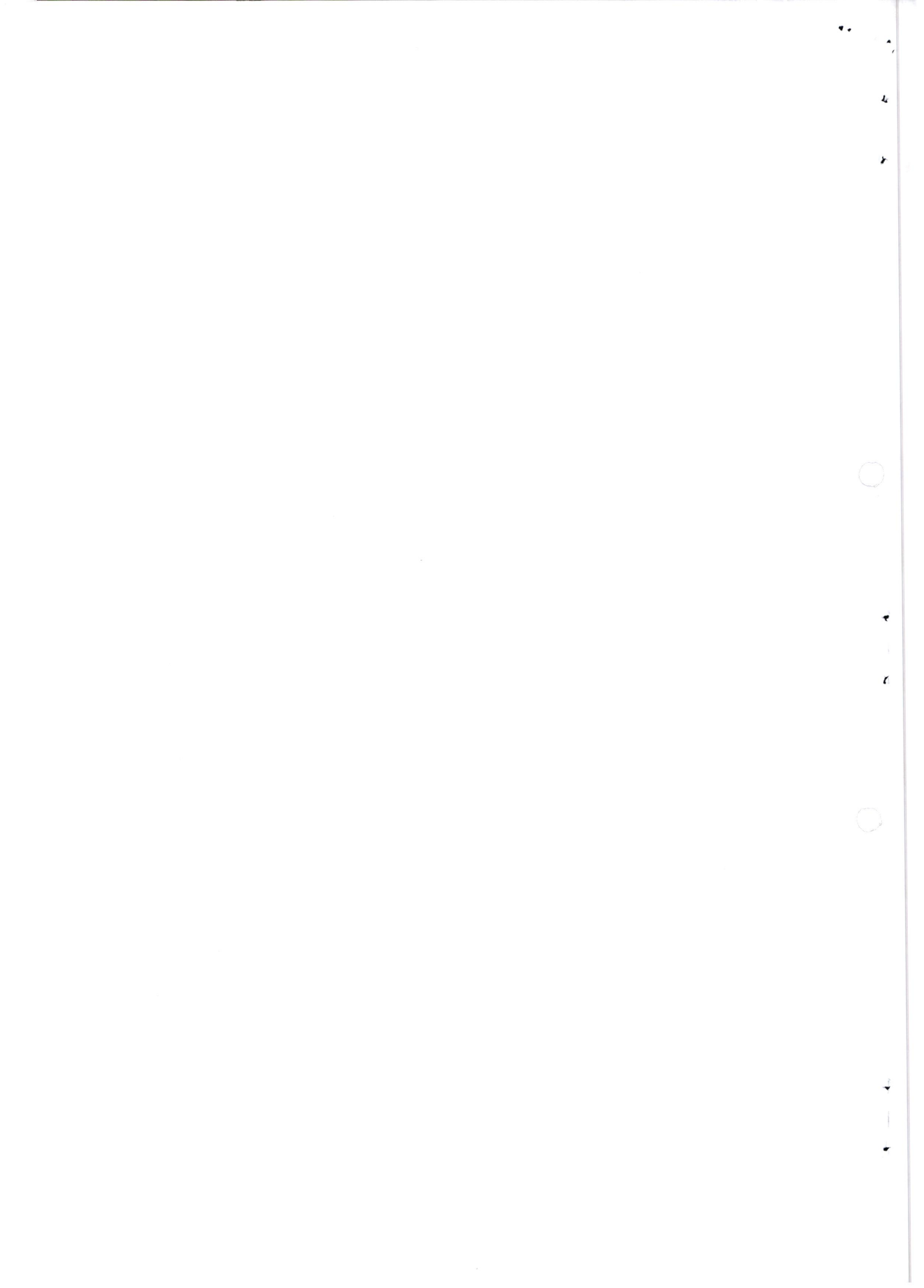
NAISULA LESUUDA
Member of Parliament.

Section 12 of the Advocates Act, 2014 which it is proposed to amend.

12. Qualification for admission as advocate

Subject to this Act, no person shall be admitted as an advocate unless—

- (a) he is a citizen of Kenya, Rwanda, Burundi, Uganda or Tanzania; and
- (b) he is duly qualified in accordance with section 13.



KENYA NATIONAL ASSEMBLY



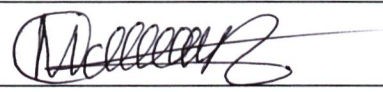
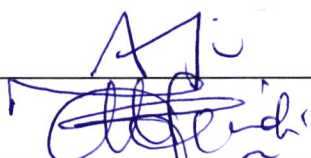
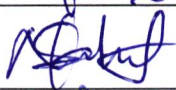

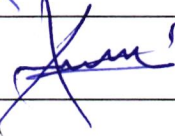

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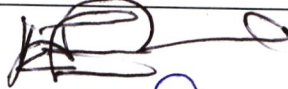
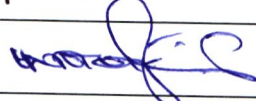

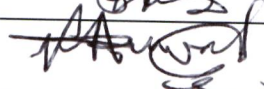

SELECT COMMITTEE ON REGIONAL INTEGRATION

Adoption of the report on the interactive study visit to the East African Community Headquarters, Arusha, Tanzania from 16-22 May 2019, and the Advocates (Amendment) Bill, 2019

We the undersigned, hereby affix our signatures to this Report to affirm our approval

DATE 25 June 2019 TIME 11:30 VENUE CPA Room

	NAME	SIGNATURE
1.	Hon. Naisula Lesuuda, M.P, OGW (Chairperson)	
2.	Hon. Capt. Ruweida Mohamed, M.P (Vice-Chairperson)	
	Hon. Christopher Nakuleu, M.P	
4.	Hon. Kubai Iringo, M.P	
5.	Hon. Elijah Memusi Kanchory, M.P	
6.	Hon. Janet Teyiaa, M.P	
7.	Hon. Joyce Emanikor, M.P	
8.	Hon. Eve Obara, M.P	
9.	Hon. Ezekiel Ombaki, M.P	
	Hon. Sen. Janet Ong'era CBS, M.P	
11.	Hon. Mathias Robi, M.P	
12.	Hon. Rozaah Buyu, M.P	
13.	Hon. Malulu Injendi, M.P	
14.	Hon. Nasri Ibrahim, M.P	
15.	Hon. Dr. Gideon Ochanda, M.P	
16.	Hon. Ali Wario, M.P	
17.	Hon. Abdi Mude Ibrahim, M.P	

18.	Hon. Erastus Nzioka, M.P	
19.	Hon. William Kamket, M.P	
20.	Hon. Ndindi Nyoro, M.P	
21.	Hon. Kassim Tandaza, M.P	
22.	Hon. Gideon Keter, M.P	
23.	Hon. Geoffrey Omuse, M.P	

MINUTES OF THE SEVENTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 25TH JUNE, 2019 IN THE MEMBERS LOUNGE, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Dr. Gideon Ochanda, M.P. - *Chairing*
2. Hon. Erastus Kivasu Nzioka, MP
3. Hon. Mathias Robi, M.P
4. Hon. Kassim Tandaza, MP
5. Hon. Nasri Sahal Ibrahim, MP
6. Hon. Ndindi Nyoro, M.P.
7. Hon. Elijah Memusi Kanchory, MP
8. Hon. Eve Obara, M.P
9. Hon. Malulu Injendi, M.P
10. Hon. Ali Wario Guyo, M.P.
11. Hon. Abdi Mude Ibrahim, MP
12. Hon. William Kamket, M.P.
13. Hon. Geoffrey Omuse, M.P
14. Hon. Rozaah Buyu, MP

ABSENT WITH APOLOGIES

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kubai Iringo, MP
4. Hon. Sen. Janet Onge'ra, CBS, MP
5. Hon. Ezekiel Ombaki, MP
6. Hon. Janet Teyiaa, MP
7. Hon. Gideon Keter, M.P
8. Hon. Joyce Emanikor, MP

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abenayo M. Wasike - Senior Clerk Assistant
2. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant

MIN. NO. NA/RIC/2019/77

PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/78 CONFIRMATION OF MINUTES

Minutes of the 16th sitting held on Thursday 20th June, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. Ali Wario Guyo, M.P and seconded by Hon. Malulu Injendi, M.P.

MIN. NO. NA/RIC/2019/79 ADOPTION OF THE REPORT ON THE INTERACTIVE STUDY VISIT TO THE EAST AFRICAN COMMUNITY HEADQUARTERS, ARUSHA , TANZANIA,16-22 MAY 2019


The Committee adopted the report of the interactive study visit to the East African Community Headquarters, Arusha, Tanzania from 16-22 May 2019, having being proposed by the Hon. William Kamket, M.P. and seconded by the Hon. Eve Obara, M.P.

MIN. NO. NA/RIC/2019/80 ADOPTION OF THE ADVOCATES (AMENDMENT) BILL, 2019

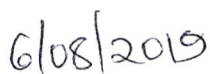
The Committee adopted the proposed Advocates (Amendment) Bill, 2019, having being proposed by the Hon. Mathias Robi, M.P. and seconded by the Hon. Malulu Injendi, M.P.

MIN. NO. NA/RIC/2019/81 ADJOURNMENT

The meeting adjourned at twelve o'clock.

SIGNED..........

(Chairperson)

DATE..........

MINUTES OF THE SIXTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 20TH JUNE, 2019 IN THE MEMBERS LOUNGE, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Elijah Memusi Kanchory, MP
4. Hon. Eve Obara, M.P
5. Hon. Malulu Injendi, M.P
6. Hon. Ali Wario Guyo, M.P.
7. Hon. Abdi Mude Ibrahim, MP
8. Hon. William Kamket, M.P.
9. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Kubai Iringo, MP
2. Hon. Sen. Janet Onge'ra, CBS, MP
3. Hon. Dr. Gideon Ochanda, M.P.
4. Hon. Erastus Kivasu Nzioka, MP
5. Hon. Mathias Robi, M.P
6. Hon. Kassim Tandaza, MP
7. Hon. Nasri Sahal Ibrahim, MP
8. Hon. Ndindi Nyoro, M.P.
9. Hon. Ezekiel Ombaki, MP
10. Hon. Janet Teyiaa, MP
11. Hon. Gideon Keter, M.P
12. Hon. Joyce Emanikor, MP
13. Hon. Rozaah Buyu, MP

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant

MIN. NO. NA/RIC/2019/73

PRELIMINARIES

The Chairperson called the meeting to order at fifty minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/74

CONFIRMATION OF MINUTES

Minutes of the 15th sitting held on Thursday 13th June, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. William Kamket, M.P and seconded by Hon. Capt. Ruweida Mohammed, M.P.

The Committee was informed that the proposal to amend the advocates Act arose from concerns raised during an interactive study visit by the Committee to the East African Community headquarters in Arusha Tanzania, where the delegation was informed that advocates from South Sudan were unable to practice in Kenya due to limitations in the existing legislation.

Analysis of the Bill

The principal object of the Bill is to amend section 12 of the Advocates Act 2014 in order to include South Sudan to be one of the Countries whose citizens are qualified for admission as advocates in Kenya.

Currently, section 12 of the Advocates Act which is proposed for amendment provides for admission as advocates to citizens of Kenya, Rwanda, Burundi, Uganda or Tanzania who qualify for admission in accordance with the Act.

Justification for the amendment

The Bill is informed by the fact that the Republic of South Sudan is a member of the East African Community and there is need to provide for its citizens to be admitted as advocates in Kenya.

Committee observations


The Committee observed:-

1. That the Republic of South Sudan is the newest member of the East African Community having joined the Community in April 2016.
2. The amendment was necessary in that by including the Republic of South Sudan in the Advocates Act 2014, it would not only promote the EAC integration efforts but also enable advocates from South Sudan who qualify under the act to practice in Kenya.

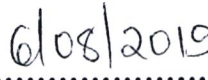
Committee resolution

The Committee resolved that the proposed amendment be presented for adoption, together with the Committee report on the interactive study visit during the next sitting, and that the amendment bill be tabled as an annex to the report.

The meeting adjourned at forty three minutes past twelve o'clock.

SIGNED..........

(Chairperson)

DATE..........

MINUTES OF THE FIFTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 13TH JUNE, 2019 IN THE CPA ROOM, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kubai Iringo, MP
4. Hon. Sen. Janet Onge'ra, CBS, MP
5. Hon. Dr. Gideon Ochanda, M.P.
6. Hon. Erastus Kivasu Nzioka, MP
7. Hon. Elijah Memusi Kanchory, MP
8. Hon. Mathias Robi, M.P
9. Hon. Malulu Injendi, M.P
10. Hon. William Kamket, M.P.
11. Hon. Kassim Tandaza, MP
12. Hon. Ali Wario Guyo, M.P.
13. Hon. Nasri Sahal Ibrahim, MP
14. Hon. Ndindi Nyoro, M.P.

ABSENT WITH APOLOGIES

1. Hon. Ezekiel Ombaki, MP
2. Hon. Janet Teyiaa, MP
3. Hon. Eve Obara, M.P
4. Hon. Abdi Mude Ibrahim, MP
5. Hon. Gideon Keter, M.P
6. Hon. Joyce Emanikor, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Geoffrey Omuse, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhiki Gakuya - Third Clerk Assistant
2. Ms. Catherine Mukunyi - Serjeant At Arms

MIN. NO. NA/RIC/2019/68

PRELIMINARIES

The Chairperson called the meeting to order at Thirty five minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/69

CONFIRMATION OF MINUTES

Minutes of the 14th sitting held on Thursday 9th May, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. William Kamket, M.P and seconded by Hon. Kubai Iringo, M.P.

MIN. NO. NA/RIC/2019/70

CONSIDERATION OF THE REPORT ON THE INTERACTIVE STUDY VISIT TO THE EAST AFRICAN COMMUNITY HEADQUARTERS, ARUSHA, TANZANIA 16-22 MAY 2019

The Chairperson who was also the delegation leader briefed the Committee on the training and highlighted the following:

1. The delegation had some fruitful engagements with East African Law Society (training organizers), the East African Court of Justice, the East African Business Council as well as the East African Legislative Assembly where the delegation met with the Speaker and engaged with the Committee on Legal, Rules and Privileges and the Committee on Accounts.
2. The East African Business Council had expressed interest in convening the proposed meeting of all East African Community partner states parliamentary committees dealing with the East African Community matters. It was further proposed that parliamentary committees dealing with trade be invited to the meeting. The proposed date for the meeting was August 2019.
3. The East African Law Society (EALS) would organize side meetings with the Committee in Kigali alongside the EALS annual conference to be held in Kigali Rwanda in September 2019.
4. During the meetings, a concern was raised that the advocates from other East African Community Partner States are able to practice in Kenya apart from those from the Republic of South Sudan. It was therefore proposed that the Committee should initiate an amendment to the Advocates Act 2017 to have the republic of South Sudan included in the said act.
5. The Committee resolved that the action points, observations and recommendations be recasted and the report be presented to the Committee for adoption.

MIN. NO. NA/RIC/2019/71

ANY OTHER BUSINESS

1. The meeting resolved that the committee work plan for the period ending in June be presented for review and a proposed work plan for the remaining half year be presented to the Committee for consideration.
2. Hon. Dr. Gideon Ochanda, Chairperson of the Caucus on Sustainable Development Goals invited the Committee to attend a luncheon organized by the Caucus, scheduled to be held at the fountain garden, Parliament Buildings on Thursday 20th June 2019.

MIN. NO. NA/RIC/2019/72

ADJOURNMENT

The meeting adjourned at fifteen minutes past twelve o'clock.

SIGNED.....

DATE..... 6/08/2019 (Chairperson)