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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**REPORT OF THE COMMITTEE ON
REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE REPORT OF THE
COUNCIL ON THE PROGRESS MADE BY THE EAST AFRICAN COMMUNITY ON
THE DEVELOPMENT OF ITS COMMON FOREIGN AND SECURITY POLICIES.**

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LIST OF ACRONYMS AND ABBREVIATIONS

AU	-	African Union
CEWS	-	Continental Early Warning System
CPMR	-	Conflict Prevention Management and Resolution
CPX	-	Command Post Exercises
EAC	-	East African Community
EACPF	-	East African Community Peace Facility
EADB	-	East African Development Bank
EALA	-	East African Legislative Assembly;
EPA	-	Economic Partnership Agreement
ESAAMLG	-	Eastern and Southern Africa Anti- money Laundering Group
ESAIO	-	Eastern and Southern Africa and the Indian Ocean
FTX	-	Joint Field Training Exercises
ICGLR	-	International Conference on the Great Lakes Region
MOU	-	Memorandum of understanding
RASA	-	Regional Centers in Small Arms
RDCTC	-	Regional Defence Counter Terrorism Centre
SALW	-	Regional Small Arms and Light Weapons Policy
SDGS	-	Sustainable Development Goals
UNHCR	-	United Nations High Commission for Refugees

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1.0 INTRODUCTION

In line with the oversight role of the East African Legislative Assembly, as provided by Article 59 (3), (c) inter alia provides that “the Assembly shall hold an annual debate on the report submitted to it by the Council on the progress made by the Community on the development of its common foreign and security policies”.

The 9th Joint Meetings of the Sectoral Councils on Cooperation in Defence, intrastate Security and Foreign Policy Coordination met and discussed the report on the progress made by the Community on the development of its common foreign and security policies. Subsequently the 38th Meeting of the EAC Council of Ministers convened and approved it.

The report is thus presented as provided for by Article 59 (3) c, and 49 (2) c, d of the Treaty Establishing the East African Community. It covers the progress made by the Community in the development of its Common foreign and security policies over the last three years.

During the Assembly meeting which was held in Zanzibar on the 6th March 2019, the Chairperson Council of Ministers laid the report on table. Consequently, the Speaker committed it to the Committee on Regional Affairs and Conflict Resolution for review and report back to the House in line with Rule 81 (e) and Annex 5 E of the Rules of Procedure of the East African Legislative Assembly.

2.0 BACKGROUND

Regional integration accelerates political, social, and economic development. Ensuring that lasting peace and stability exists in the East African Region. Article 6 of the Treaty spells out the fundamental principles that are mandatory for governing the achievements of the Community. They include but are not limited to mutual trust, political will, sovereign equality, peaceful co-existence and good neighbourliness among others. As the EAC implements the pillars of the integration process, recognizing and undertaking deliberate measures designed to ensuring a peaceful and stable EAC remains a paramount goal of the Community.

In order to attain the objectives of the Community, peace and security are key pre-requisites at all the stages of integration. This factor is further emphasized in the vision of EAC which envisages “a prosperous, competitive, secure, stable and politically united East Africa.” The objectives further necessitate the Community to ensure regional stability if the integration is to deepen and widen.

When the political and security environment is conducive it will ensure that the gains achieved are consolidated as EAC embarks on the next stages of integration that is the Monetary Union and Political Federation.

The Peace and Security policies of the EAC are anchored on the following articles of the Treaty;

1. **Article 123(1)** of the Treaty for the establishment of the East African Community states that “In order to promote the achievement of the Objectives of the Community as set out in Article 5 of this Treaty, particularly with respect to the eventual establishment of a Political Federation of the Partner States, the Partner States shall establish Common Foreign and Security Policies”. The objectives of the Common Foreign and Security policies shall be to:
 - a) Safeguard the common values, fundamental interests and independence of the Community;
 - b) Strengthen the security of the Community and its Partner States in all ways;
 - c) Develop and consolidate democracy, rule of law and respect for human rights and fundamental freedoms;
 - d) Preserve peace and strengthen international security among the Partner States and within the Community;
 - e) Promote co-operation at international fora and;
 - f) Enhance the eventual establishment of a Political Federation of the Partner States.
2. **Article 124** provides for Cooperation in Regional Peace and Security wherein Partner States undertake to, among others,
 - a) Foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them;
 - b) Promote and maintain good neighbourliness as a basis for promoting peace and security within the Community.

3. **Article 125** provides for the establishment of a framework to facilitate close cooperation in Defence matters by enhancing a collective approach to Defence related issues.

3.0 OBJECTIVES OF THE ACTIVITY

In line with Article 59 (3) (c) of the Treaty for the Establishment of the East African Community and Rule 81 (e), the objectives of the activity included the following:

- a) Enhance the Assembly's oversight role in EAC Common Foreign and Security policies;
- b) Deepen and broaden Members understanding of Common Foreign Security policies of the EAC;
- c) Make recommendations to the Council of Ministers on the Common Foreign Security Policies of the EAC.
- d) Analyse and make recommendations on how future reporting can be enhanced.

4.0 METHODOLOGY

The Committee used the following methodology to examine the report.

- 1. Reviewed and internalized the Council of Ministers report on the Common Foreign and Security policies of the EAC as per Chapter 23 of the Treaty for the establishment of EAC.
- 2. Reviewed and made reference to a number of documents including but not limited to:
 - i) The Treaty for the Establishment of East African Community;
 - ii) The Rules of Procedure of the East African Legislative Assembly;
 - iii) Protocol on Peace and Security of the EAC;
 - iv) Protocol on Foreign Policy Coordination;
 - v) Protocol on combating illicit drug trafficking in the East African Region;
 - vi) East African Community Protocol on Co-operation in Defence;
 - vii) Regional Strategy against piracy and for Maritime Security in Eastern and Southern Africa and the Indian Ocean;

- viii) The Report of the U.S Department of State- Bureaus of International Narcotics and Law Enforcement Affairs of 2016;
- ix) The Report by United Nations Office on Drug and Crime 2016;
- x) The Mbeki Report on illicit financial flows;
- xi) The Memorandum of understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and coordinating mechanisms of the Regional standby Brigades of Eastern Africa and Northern Africa.

3. Held interactive meetings with the Deputy Secretary General in charge of Political Federation department.

5.0 PROGRESS MADE BY THE COMMUNITY IN THE DEVELOPMENT OF ITS COMMON FOREIGN AND SECURITY POLICIES.

Article 5(1) of the Treaty for the establishment of the East African Community stipulates that the objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security, legal and judicial affairs, for their mutual benefits.

Article 5(3) f provides for the promotion of peace, security, and stability within, and good neighborliness among, the Partner States.

Article 123 (1) informs on the motivation of the existence of EAC Common Foreign and Security Policies.

In line with Article 123 (5), the Council has put in place an institutional framework through the establishment of various Sectoral Councils and Committees to give direction and policy guidance for cooperation in areas of Defence, Inter State Security as well as Foreign Policy Coordination so as to enhance peace, security and governance initiatives. These include:

- Sectoral Council on Cooperation in Defence;
- Sectoral Council on Inter-State Security;
- Sectoral Council on Foreign Policy Coordination and the;
- Joint Sectoral Councils on Defence, Inter State Security and Foreign Policy Coordination. The Department of Peace and Security coordinates and facilitates the above mentioned Sectoral Councils.

5.1.1 Foreign Policies

Foreign Policy Coordination is one of the key priorities of the EAC. Even before the Treaty was signed, on 30th November 1999, the EAC Partner States had already concluded a Memorandum of Understanding on Foreign Policy Coordination in January 1999. The EAC Treaty provides, among others, that 'the Community and its Partner States shall define and implement Common Foreign and Security policies. The objectives of such policies are to build the EAC as a cohesive organization in its relations with the international community and to promote cooperation, including commitment to dialogue at international fora. In that regard the Partner States committed to collaborate in diplomatic and consular services, economic and social activities, multilateral diplomacy, liaison, and information exchange in the context of the Community. A Sectoral Council on Foreign Policy Coordination was established in March 2008.

5.1.2 The Protocol on Foreign Policy Coordination

This Protocol was signed in December 2010 and is anchored on Articles 5, 6, 7, 123 and 125 of the Treaty for Establishment of the East African Community. It obligates Partner States to cooperate and coordinate in matters of Foreign Policy and ensure that they pursue common foreign objectives aimed at enhancing the gains of integration.

The Protocol on Foreign Policy provides for:

- a) Fostering cooperation in the provision of diplomatic and consular services;
- b) Mobilizing and strengthening diplomatic missions to promote EAC integration;
- c) Accreditation of foreign diplomats to the EAC (as of 30 June 2012, twenty-seven countries, the EU and UNHCR had accredited their Heads of Mission to the EAC);
- d) Promoting support for East Africans to access jobs of influence in the international system;
- e) Multilateral diplomacy: coordination of intra, interregional and continental integration initiatives;
- f) Coordination of partnerships;
- g) Collaboration with the United Nations and its specialized agencies and other regional/international Organizations.

It has the following objectives:

1. Promotion, development and harmonization of policies and strategies to support foreign policy coordination;
2. Safeguard the common values and interest of the Community;
3. Develop and promote the consolidation of democracy, Rule of law, respect for human rights and fundamental freedoms within the Community and with foreign Countries;
4. Preserve peace and strengthen security among Partner States and with foreign Countries;
5. Provide operational mechanisms within which to fully effect the coordination of foreign policies of Partner States;
6. Strengthen cooperation in order to promote and market the Community abroad;
7. Promote the participation of the peoples of the Partner States in the diaspora in the development of the Community and;
8. Enhance cooperation in the fight against international crime.

This Protocol is yet to enter into force, as it awaits ratification by all the Partner States. The Republic of South Sudan ratified through accession. That notwithstanding, beyond the Protocol's implied coordination of their respective foreign policies, Partner States agreed to identify areas in which to adopt Regional Foreign Coordination Framework. This is an improvised measure to govern this area as they await the ratification process to be complete. Suffice to note, EAC has continued to follow through on commitments already entered into by the Partner States at other fora such as the African Union and United Nations, whose collaboration complements the entire EAC integration agenda. These areas include:

- The development and implementation of the EAC Strategic Policy Frameworks;
- The EAC Vision 2050 and the EAC Development Strategy and;
- Mainstreaming and articulation of the continental integration aspirations contained in Africa Union Agenda 2063 as well as the global 2030 Sustainable Development Goals (SDGs) which remain pivotal to the overall integration agenda to the EAC foreign policy pursuits. The United Republic of Tanzania has not ratified the Protocol.

This Protocol has not yet been fully ratified.

COMMITTEE OBSERVATIONS

- *Thus, nine years after it was signed, no progress has been made in the ratification of this protocol and has therefore not entered into force.*
- *The Absence of institutional framework at EAC to undertake foreign policy coordination implies that the objectives for which it was intended are not being achieved hence eroding the gains of integration.*
- *None ratification of this protocol by all the Partner States makes its implementation untenable.*
- *Partner States have been undertaking bilateral working engagements in areas of their mutual interests which are not binding to entire EAC. This has led to loss of harmonized and integrated benefits the region could enjoy if the protocol was in place.*
- *This Protocol leaves the onus on what Partner States are supposed to implement with the individual Partner States thus not binding to all the Partner States.*
- *Whereas the Treaty provides for a Common Foreign Policy, Partner States have agreed to harmonize it with the political federation framework which is at the tail end of the integration process. This implies that the Protocol will not be harmonized until the political federation is complete.*

5.1.3 Protocol on Privileges and Immunities

The Protocol on Privileges and Immunities of the East African Community was signed on 30th April 2015. It gives the East African Community the right to enjoy international legal personality. It furthermore, avails the staff of the Community, Organs and Institutions the Immunities and privileges necessary for the proper discharge of their functions under the Treaty.

It has the following provisions:

- Protection of funds of the Community;
- Tax exemptions for the Community;
- Facilities in respect of Official Community; and

- Privileges and immunities of persons employed in the services of the Community.

It also provides for the safety of the assets and properties of the Community wherever they are situated in the Partner States.

The Committee was further informed that the protocol was formulated following the case involving the EAC and a staff member who sued EAC and Court granted the staff a right to attach East African Development Bank (EADB) assets in Kampala.

This Protocol has not yet been ratified.

COMMITTEE OBSERVATIONS

- *None ratification is likely to lead to having different treatments, immunities and privileges accorded to staff in different Partners States. In the long run, this will lead to discrepancies in handling staff matters and could be a source of litigation.*
- *Assets of the Community not covered by the immunity are at risk of seizures in case of litigation as they can easily be attached by the contesting parties.*

5.2 DEFENCE POLICIES

In accordance with article 125 of the treaty for the establishment of EAC, the Partner States inspired by the need of an effective mechanism of co-operation and collaboration in Defence Affairs, have come up with a frame work for close co-operation in Defence.

5.2.1 Protocol on Co-operation in Defence

In line with the provision of Article 125 of the Treaty, a Memorandum of Understanding (MOU) to guide co-operation in Defence was enhanced on 30th November, 2001. The MOU was up-graded to a full protocol on 28th April, 2012. Full ratification was achieved on 19th November, 2015. With this protocol in place, the EAC Partner Countries stand to fortify and cement their mutual pact in defence. The pact which is in line with the implementation of the EAC Protocol

on Cooperation in Defence Affairs is to be negotiated and concluded by the Partner States as integral part of the protocol.

Article 2 of this protocol provides for the scope of cooperation:

1. The Partner States shall cooperate in all defence affairs and collaborate with international and regional organizations to promote peace, security and stability in the Community.
2. Without prejudice to the generality of this article, the Partner States agree, to inter alia cooperate in the following:
 - a) Military Training
 - b) Joint Operations
 - c) Technical cooperation and
 - d) Visits and Exchanges of information

The objectives of the Protocol on Defence are:

- a) Develop, promote and pursue policies and programs aimed at widening and deepening co-operation among the Partner States in Defense Affairs for their mutual benefit.
- b) Promote Peace and Stability and good neighborliness among Partner States in order to guarantee the protection and preservation of life and property, the wellbeing of the people in the Community and their environment as well as creation of conditions conducive to sustainable development.
- c) Anticipate and prevent conflicts in circumstances where conflicts have occurred and to undertake peace support operations and peace building functions for the resolution of such conflicts.
- d) Promote and implement peace building and post conflict reconstruction activity to consolidate peace and prevent resurgence of violence.
- e) Co-ordinate and harmonize regional efforts in the prevention and combating international terrorism in all its aspects.
- f) Undertake such other activities ancillary to co-operation in defense affairs that are calculated to further the objectives of the Community, as the Partner States may from time to time determine.

During an interactive session with the Deputy Secretary General Mr. Charles Njoroge, the Committee was informed that the protocol provides for commencement of negotiations on Mutual Defence Pact one year after coming into force. The Draft Mutual Defense Pact along with its implementation mechanism has already been concluded but is undergoing National Consultations with respect to its nexus with the foreign policy. He further informed the Committee that the Defense Protocol is one of the most successful and integrated protocols that have been concluded by EAC.

According to the Deputy General, Partner States have undertaken the following measures to operationalize the protocol in order to address the increasing threats of terrorism.

- Establishment of a Regional Defence Counter Terrorism Centre (RDCTC) in Nairobi -Kenya to deal with the threat of terrorism and other related regional security threats. The Centre shares and disseminates intelligence information of regional threats nature.
- Within the framework of the established mechanisms/ institutions, the EAC Partner States have conducted several Joint Field Training Exercises (FTX) and Command Post Exercises (CPX) code named “Ushirikiano Imara”. For instance, one was held on the 5th to 21st November 2018 in Tanga-Tanzania and the 11th Command Post Exercise was also held in Dar es Salaam from 4th to 20th December 2017. This exercise being done on rotational basis in the EAC Partner States.
- The Exercises involved the Military, Police and Civilian Components and were wholly conceived, organized and fully funded by the Partner States. FTX and CPX are designed to equip the EAC Armed Forces with skills and cooperation to deal with complex security challenges. The Exercises are based on the themes; Peace Support Operations, Disaster and Crisis Management, Counter Terrorism and Counter Piracy.
- East African Community Civil Military Cooperation (CIMIC) activities. EAC armed forces undertook outreach activities to provide support to civil engineering works in rural schools and hospitals. This was aimed at enhancing cooperation and solidarity with the general population.
- The Partner States have also formulated Standard Operating Procedures (SOPs) for Peace Support Operations, Disaster Management, Counter Terrorism and Counter Piracy. These SOPs have been used and tested in

the FTX and CPX to harmonize operations and drills when working in a combined/joint environment.

- In an effort to foster the *spirit de corps* and solidarity among the EAC Armed Forces and to promote peace through sports and culture, the Partner States organize annual EAC Military Games and Cultural Event on a rotational basis. The last 9th EAC Military Games and Cultural Event was held in Bujumbura in 2018.
- The Partner States have established EAC Defense Liaison Offices at EAC Headquarters Offices in Arusha- Tanzania. The offices are manned by Senior Officers not below the rank of Colonel seconded by the Armed Forces for renewable term of three years and are classified as professional officers of the Community.
- They have also put in place an East African Community Desk in each of the Armed Forces headquarters. These offices provide a platform for coordination and follow up on defense related matters affecting the EAC.

COMMITTEE OBSERVATIONS

1. *The Committee applauds the Partner States for fully ratifying the Defense Protocol and for providing a framework for co-operation by the Defense Chiefs in the Partner States.*
2. *This protocol has largely been funded by the Partner States*

5.3 PEACE AND SECURITY

Article 123 of the EAC Treaty states that the Community shall pursue its objectives by “peaceful resolution of disputes and conflicts between and within Partner States”.

Article 124 acknowledges the close linkage between peace & security and social & economic development, and ultimately with the achievement of the objectives of the Community.

The article further spells out on a wide-ranging approaches for implementation in order to ensure a secure and stable environment within the region.

The objective of the protocol on Peace and Security is to promote peace, security, and stability within the community and good neighbourliness among the Partner States.

These approaches are expounded in the protocol on Peace and Security that:

1. The Partner States shall cooperate in peace and security matters and collaborate with international and regional organizations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for effective implementation of the protocol
3. Without prejudice to the generality of this article, the Partner States agree to, inter alia cooperate in the following areas:
 - a) Conflict prevention, management and resolution;
 - b) Prevention of genocide;
 - c) Combatting terrorism;
 - d) Combatting and suppressing piracy;
 - e) Peace support operations;
 - f) Disaster risk reduction, management and crisis response;
 - g) Management of refugees;
 - h) Control of proliferation of illicit small arms and light weapons;
 - i) Combatting transnational and cross border crimes, including drugs and human trafficking, illegal migration, money laundering; cybercrimes and motor vehicle theft;
 - j) Addressing and combatting cattle rustling; and;
 - k) Prisons and rehabilitation of offenders.
4. For purpose of paragraph 3, the Partner States agree to establish early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

5.3.1 Policy Responses

1. Development of a Peace and Security Protocol

The Assembly may recall that the EAC Protocol on Peace and Security was signed by the EAC Partner States on 15th February 2013.

The Protocol is a key milestone in the political integration process because it creates a binding framework for sustained peace, security and stability in the East African region. It stipulates the exchange of criminal intelligence and other security information, strengthening of inter-agency cooperation and coordination among security agencies such as joint cross-border management, installs joint operations and patrols, common communication facilities, border and interstate security etc. The Protocol provides also for an institutional framework for the Directorate for Peace and Security, which will spearhead the implementation of the Protocol and all matters related to peace and security in the region.

To date all the Partner States have ratified the Protocol.

COMMITTEE OBSERVATIONS

The protocol is expected to provide a legal domicile to all Peace and Security interventions. The establishment of the directorate of Peace and Security should play a key role in generating policy proposals particularly on those that have a bearing on the peace and security sector.

2. Adoption of the regional strategy for peace, security and its implementation plan.

The EAC Council of Ministers adopted and updated the Strategy for Regional Peace and Security along with its implementation plan in 2014. The strategy identified 23 objectives for intervention all of which are fully covered by the protocol on peace and security. The implementation plan was mainstreamed into the EAC 5th development strategy for implementation within the confines of available budgetary resources. It set up twenty-three objectives for implementation. The strategy reinforces the protocol on peace and security.

The Peace and Security Strategy was adopted in November 2006, prior to the adoption of the Protocol on Peace and Security and the EAC Conflict Prevention, Management and Resolution Mechanism adopted in 2012. The Peace and Security Strategy is a policy document that mandates Partner States and the secretariat to jointly plan and respond to issues of peace and security in the region while awaiting the finalization of the Peace and Security Protocol.

3. Protocol on combating illicit drug trafficking in the East African Region.

Illicit drug trafficking is an international problem. The EAC region is being increasingly being used as a conduit for illicit drugs for international markets. The

cooperation between Partner States is then necessary to eradicate illicit drug production and trafficking through integrated drug control and prevention programmes. In this perspective, EAC Partner States deemed it necessary to formulate Protocol on combatting drugs trafficking in the EAC region.

This Protocol criminalizes illicit drug trafficking, adheres to international conventions on Narcotics, provides for domestic legislation, mutual legal assistance, law enforcement, drug demand reduction and institutional arrangements in areas of implementation and execution.

The scope of the protocol is:

- a) The ratification of international Conventions;
- b) Promulgation of domestic legislation;
- c) Provision of mutual legal Assistance;
- d) Law enforcement;
- e) Drug demand reduction.

The objectives of the protocol are as follows:

- a) To reduce and eventually eliminate illicit drug trafficking, money laundering, related corruption and illicit use and abuse of drugs through cooperation among the enforcement agencies and demand reduction through coordinated programmes in the region;
- b) To eliminate the production of illicit drugs; and
- c) To protect the region from being used as a conduit for drugs destined for international Markets.

The following measures have been undertaken:

- a) Through this protocol, joint trainings, exchange of information and joint anti-drug operations have been up scaled;
- b) Using the framework that the protocol provides; joint operations have been undertaken in Partner States to suspected drug plantations where seizures of drugs have been carried out;
- c) The framework has also led to enhanced vigilance by the security agencies at airports and ports of entry;
- d) Joint training among the drug enforcement Agencies in prevention and enforcement have also been undertaken and;

- e) The drug enforcement Institutions across the Partner States have established a close collaboration and easily disseminate information across the Partner States.

The following institutions are involved in drug enforcement in Partner States:

- The Republic of Kenya has established the office of the National Campaign against Drug Abuse (NACADA) and the Anti-Narcotics Unit (ANU) of the Kenya National Police Service.
- The Republic of Uganda has established a Narcotics and Drug enforcement unit in the Uganda Police Force, and has established multisectoral Committee on drugs.
- The Republic of Burundi has established a Narcotics and Drug enforcement Unit in the Burundi National Police.
- The Republic of Rwanda has established an Anti-Narcotics Unit and Narcotics and Drugs enforcement Unit;
- The United Republic of Tanzania has established the National Drug Council that oversees the overall implementation of the Drug Act. This Council is composed of Ministers from various ministries whose missions are directly or indirectly related to the control of illicit drugs trafficking.

COMMITTEE OBSERVATIONS

The problem of illicit drug trafficking in East Africa has been exacerbated by the following factors:

- *Some partner States have in place legal frameworks to bother the protocol whereas others do not.*
- *Continuous illicit drug trafficking due to porous borders in EAC;*
- *Weak boarder control mechanisms/ monitoring systems;*
- *Deficiencies in the criminal justice system have been exploited by the drug traffickers.*

4. Regional Small Arms and Light Weapons Policy (EAC SALW)

An EAC SALW policy was adopted by the Council of Ministers in 2009. The Policy guides regional efforts towards SALW control with interventions that include capacity development of National coordination entities referred to as National Focal Points. The policy makes it mandatory for Partner States to undertake training, provision of equipment, marking, tracing and record of fire arms, arms collection and destruction, stockpile management and security, legislation, harmonization, awareness creation and engendering SALW process.

COMMITTEE OBSERVATIONS

- *Although the regional small Arms and light weapon policy has been adopted, there still exists small arms in the region. This is because of porous borders and existence of perpetual conflicts within the Partner States.*
- *None disarmament of some Communities will result into community raids and conflicts. For instance, the Karamojong in Uganda vs the Toposa in South Sudan vs the Turkana of Kenya.*

5. Eastern and Southern Africa-Indian Ocean (ESA-IO) Regional Maritime Strategy

Following the rise in piracy in the Indian Ocean in the late 2009 and the resultant security and economic impact upon EAC Partner States and the region at large. The East and Southern Africa- Indian Ocean met in Mauritius in October 2010 and adopted a multi-dimensional regional maritime security strategy and action plan that responds to maritime security needs in all dimensions. This was because piracy occurs outside the nautical miles of any Country and cannot be dealt with by any single country. The strategy was validated and adopted by the EAC Council of Ministers at their 28th meeting which was held on 29th November 2013. Implementation of the strategy commenced in 2014 with a seed fund from the European Union.

COMMITTEE OBSERVATIONS

The comprehensive strategy addresses the provision of alternative live hoods in Somalia, law enforcement capacity building, combating of piracy proceeds, operational capacity building and information exchange. The implementation of the strategy is being coordinated by the EAC, the Indian Ocean Commission, IGAD and COMESA.

Despite all the efforts in place, the threat of piracy and other maritime security threats in the region persists. There is a range of myriad issues taking place off the coast of Somalia (piracy, illegal fishing, arms and human trafficking...), which continue to challenge the region. Also, the ESA-IO Region is at the crossroad in term of the counter-piracy response in the Horn of Africa, in particular regarding the reduction of the involvement of the international community in the counter-piracy.

6. Conflict Prevention Management and Resolution (CPMR)

In a bid to ensure sustainable peace and harmonious co-existence, CPMR framework was developed with support from the African Union Peace facility. The frame work broadly provides for:

- Conflict early warning, including establishment of a situation room;
- Mediation and establishment of good offices (Panel of eminent persons);
- Peace support operations;
- Demobilization, disarmament, resettlement, reconstruction and rehabilitation;
- Post conflict reconstruction and development;
- East African Community peace facility.

The Council adopted the CPMR operational modalities inclusive of the Modality for the Establishment of the East African Community Peace Facility (EACPF). However, at its 28th Meeting held in November 2013, the Council deferred establishment of the EAC Peace Facility pending evaluation of the proposed East African Community Development fund. The Council however took note of the need to progressively take over funding of Peace and Security interventions and directed that an initial allocation of \$500,000 be availed to the sector and the amount revised incrementally on annual basis.

COMMITTEE OBSERVATIONS

- *Although peace and stability are critical to the integration agenda, the department is grossly understaffed and underfunded. The political Federation department is the only docket in the entire EAC structure without a Director and has got only 4 staff members making the implementation of the core and critical aspects of Sector difficult.*

- *The Peace and Security programs are largely funded by the donors and this makes it vulnerable in case the donors withdrawal funding.*
- *Implementation of protocols has been left to individual members states instead of EAC developing a centralized mechanism to ensure enforcement.*
- *The Partner States should formulate and develop a sustainable funding mechanism for Peace programs in the EAC and to reduce relying on the donors.*

7. Refugee Management Policy

Article 124(4) of the treaty establishing the East African Community undertakes the Partner States to ensure that peace and security becomes prerequisites to social and economic development within the Community. To this end, they obligate the Partner States to establish a common mechanism to establish a common mechanism for the management of refugees.

In compliance with the provisions of the Treaty, the process is underway to develop a refugee management policy with the ultimate objectives of harmonizing practice and mechanism on Refugee Management. UNHCR is supporting the exercise and an inception report has already been concluded providing a summary of the prevailing practice on legal and institution mechanisms prevailing in all the Partner States along with issues of comparative analysis.

COMMITTEE OBSERVATIONS

The lack of policies and other effective refugee regimes to handle regional refugee situation in a coordinated manner can become a negative element that defeats the positive ideal of a stable, prosperous and united East Africa Community.

8. Protocol relating to the Establishment of AU peace and Security Council

The EAC being part of AU is bound by the protocol relating to the establishment of the AU peace and Security Council within the family of the EAC along with the other four RECs and two memorandum of undertakings on regional mechanisms concluded in 2007. Through this collaboration process, a cross section of regional peace and security initiatives have been implemented through the AU Continental Early Warning System (CEWS) and the AU border programs. This has facilitated promotion of regional coordination and cooperation and best

practices have been shared across the regions. These initiatives remain critical to meeting EAC obligation to the AU.

COMMITTEE OBSERVATIONS

There is need for EAC to enhance the co-operation with AU Peace and Security Council in order to enhance synergies and partnerships.

9. Co-operation with the United Nations (UN)

The EAC was granted observer status at the UN in March 2003 and remains an active member of the global body in all aspects, peace and security inclusive. Regular reporting obligations to the UN office of disarmament Affairs, UN Counter Terrorism directorates and UN Security Council resolution 1540 have been fulfilled. EAC continues to furnish the UN with regular reports and briefs.

10. Co-operation with other International Organizations in the Region

In order to ensure complementary, eliminate duplication and promote cooperation with certain critical organizations in the region, a number of cooperation mechanisms have been concluded with the following organizations;

- 1) Regional Centers in Small Arms (RASA) on the management of Small Arms and Light weapons;
- 2) United Nations High Commission on Refugees (UNHCR) on refugees' management;
- 3) International Criminal Police Organization (Interpol) on transnational crime;
- 4) Eastern and Southern Africa Anti- Money Laundering Group (ESAAMLG) on Anti-Money laundering and combating financing of terrorism;
- 5) Inter- Governmental Authority on Development (IGAD) on security issues;
- 6) International Conference on the Great Lakes Region Secretariat (ICGLR) on security issues.

COMMITTEE OBSERVATION

The Committee was informed that the Republic of Burundi is not a member of the Eastern and southern African Anti- Money Laundering Group and this is likely to affect its financial credibility. This might lead to Burundi being black listed which might end up affecting the entire region.

11. COMMITTEE OBSERVATIONS ON THE GENERAL SECURITY CHALLENGES.

Overall the Committee observed that they are other emerging security challenges that need appropriate responses. They include among others cattle rustling, environmental crimes that include poaching, deforestation, illicit trafficking in minerals and natural resources; and illicit Trafficking in Radioactive Materials, vandalism and theft of infrastructure components; cybercrime, fraud, counterfeiting and other emerging crimes, kidnapping and hostage taking for ransom, election and post-election related conflicts and violence, natural and man-made humanitarian disasters, etc.

These have become a source of insecurity with potential to derail the integration process unless (resolute proactive measures are implemented.

6.0 GENERAL OBSERVATIONS/RECOMMENDATIONS

1. Non-ratification of the EAC Protocols.

The Committee observed a number of protocols that were signed but have never been ratified. Some of the protocols were signed 10 years ago. This is in spite of the Summit directive which gave guidance that all the outstanding protocols should be ratified. This creates an institutional Lacuna on the operationalization and implementation of the agreed areas of integration. The following protocols are yet to be ratified:

- i) The Protocol on Foreign Policy Coordination;
- ii) The Protocol on Privileges and Immunities;

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

- *Urgently undertake a review exercise of all the protocols that have not yet been ratified and assess whether the areas agreed upon are still relevant;*
- *Ensure that upon completion of the review exercise, Council should expedite the process of ratification of the protocols;*

- *Expedite the establishment of the relevant institutions to implement and operationalize the provisions in the respective protocols;*
- *Also introduce sunset clauses and give specific timelines for when Partner States should ratify these protocols.*
- *The Committee further observed that the Assembly in its various sittings deliberated on the urgent need of promoting the use of Kiswahili both in the EAC region and at the international arena. This is yet to be implemented despite article 137 which obligates the council to develop Kiswahili as a lingua franca of the Community.*

The Council of Ministers should expedite the process of amending article 137 of the Treaty Establishing the East African Community to address this anomaly of having Kiswahili not being regarded as an official language at its own domicile and yet it is regarded as an official language at the Continental level.

2. Timely reporting on peace and foreign policies

Article 59 (3)c of the Treaty for the Establishment of the East African Community directs Council to submit annually the report to the Assembly on the progress made in the development of its Common Foreign and Security policies. The First report from Council was submitted in 2014 and this is the second report being submitted on the progress made by EAC.

The Committee recommends the Assembly to urge Council to comply with the provisions of the Treaty and ensure that it submits an annual report in the development and progress made in the Common Foreign and Security Policies of the EAC. Council should also make progress reports to the Assembly on the ratification of the various protocols signed on peace and security.

3. Non -Establishment of a directorate of Peace and security

The Committee observed the delayed establishment of the directorate for Peace and Security to establish a directorate for peace and security. This has resulted into issues of peace and security not being given the necessary priority they deserve yet the directorate is pivotal in coordinating and implementing the Peace and Security protocol.

The Committee recommends that as a matter of priority, Council should ensure that the directorate is fully established to oversee the peace and security docket.

4. Lack of Sustainable funding mechanism to support the peace and security programs at EAC.

The Committee observed as one of the most strategic sectors in the integration process and should be 100 % funded by the Partner States, Council should prioritize its funding. Most of the programs are heavily dependent on donors making them vulnerable to collapse in case of development partners pull out. As observed above, the matters of peace and security do not attract that much needed attention and funding from Council. This scenario is extremely dangerous because peace and security are crucial to the integration process.

- *The Committee recommends to the Council to priotize and develop a sustainable funding mechanism to support the peace and security sector.*
- *Undertake deliberate measures that will ensure complete disarmament and total elimination of Small Arms and Light Weapons in the EAC region.*
- *The Partner States should formulate and develop a sustainable funding mechanism for Peace programs in the EAC and to reduce relying on the donors.*

5. Increased Smuggling of illegal Firearms in the region

The Committee observed that proliferation of illegal firearms in EAC has increased violent conflicts and piracy.

- *The Committee recommends to the Assembly to urge the Council of Ministers to undertake deliberate measures that will ensure complete disarmament and total elimination of Small Arms and Light Weapons in the EAC region.*

6. Non-development of EAC Refugee Policy

Article 124(4) of the Treaty obligates Partner States to undertake to establish a common mechanism for the management of refugees. This mechanism is not yet in place and its currently being developed by EAC despite the fact that East African region is currently one of the regions hosting the highest number of refugees in Africa.

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

- *Direct Partner States to find an urgent and durable solution to the push /pull factors causing an influx of refugees.*
- *Urge the Partner States which have not ratified the EAC Protocol on Peace and Security to ratify it.*
- *Direct the Secretariat to expedite the development of a Regional Policy on refugees and harmonize it with the National policies and Laws on refugee management in accordance with Article 124 of the Treaty.*

7. Delayed full implementation of EAC Mutual Defence Pact

The Committee took cognizance of the fact that the EAC Defense Pact which was adopted is still undergoing internal review processes by the respective Partner States. This might delay the gains in corporation in defence matters.

The Committee therefore urges the Council of Ministers to direct the Sectoral Council on Defence Co-operation to expedite the finalization of the Mutual Defence Pact.

8. Non-establishment of the panel of Eminent Persons

The Committee took cognizance of the key tenets of the Framework on Conflict Prevention and Management Resolution which provide the establishment of mediation of good offices. (Panel of eminent persons). While interacting with the Committee, it was reported that this office has not yet been established. Instead the Summit has opted to constitute the Panel of the Eminent Persons as and when the situations arises.

The Committee urges the Assembly to urge the Council of Ministers to review the relevancy of the panel of eminent persons and its role in the conflict, prevention and management resolution framework.

9. Lack of access of the election observation reports and observer mission

The Committee of Regional Affairs and Conflict Resolution enjoins other regional and international organizations during the elections process in the various Partner States. However, reports of the elections monitoring are neither shared nor disseminated to the Assembly. This denies the Assembly an opportunity to study and take lessons of the election's outcomes in East Africa.

The Committee recommends to the Assembly to urge the Council of Ministers that as matter of priority the elections observer mission's reports should be laid on the floor of the House for debate and scrutiny.

10. Lack of an enhanced and robust cooperation with AU Peace and Security Council

The Committee recommends to the Assembly to urge the Council of Ministers to work in collaboration with AU Peace and Security Council to enhance synergies and partnerships in case of disasters, conflicts or lobbying for agreed positions on certain critical factors or issues that might affect the EAC.

11. Absence of strong measures and mechanisms designed to curb illicit Financial flows

The Committee observes that although EAC is collaborating with other international organizations in the region that are involved in Anti- Money Laundering and money transfers, not much effort has been made to curb the problem and it continue to persist. Prominent among these is the Eastern and Southern Africa Anti- Money Laundering Group (ESAAMLG) on Anti- Money laundering and combating financing of terrorism. The Committee further observes that although the Mbeki report has extensive research and the findings have been forwarded to Governments. But this this problem still remains.

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

- *To enhance Institutional support for Partner States to establish or strengthen the independent institutions and agencies of government responsible for preventing IFFs. These include (but are not limited to) financial intelligence units, anti-fraud agencies, customs and border agencies, revenue agencies, anti-corruption agencies and financial crime agencies. Such agencies should render regular reports on their activities and findings to national legislatures.*
- *Partner States should also create methods and mechanisms for information sharing and coordination among the various institutions*

and agencies of government responsible for preventing IFFs, such coordination being led by the country's financial intelligence unit.

- *Banks and financial institutions have a major role in preventing and eliminating IFFs. Robust regimes should be put in place for the supervision of banks and nonbank financial institutions by respective Central Banks and financial supervision agencies. Such regimes must require mandatory reporting of transactions that may be tainted with illicit activities.*

12. EAC Joint Military Exercises and Games

The Committee observed that the joint Military Games are a source of great pride and inspiration for East African's Armed Forces and serves to galvanize the unity of the armies. Their visibility is however limited amongst East Africans.

The Committee recommends that Council should avail more resources to the Defense Liaison Office to enhance effective communication and visibility.

13. Joint Candidatures to International Bodies

The Committee recommends that the Council should enhance better coordination and collaborative efforts that are necessary for joint identification and support for EAC candidates for international job placements.

14. Full implementation of EAC Mutual Defence Pact.

The Committee therefore urges the Council of Ministers to direct the Sectoral Council on Defence Cooperation to expedite the finalization of the Mutual Defence Pact.

7.0 CONCLUSION

The Committee on Regional Affairs and Conflict Resolution in its meeting held in Zanzibar from 9th-13th March 2019; and other meetings held in Arusha on 29th April, 2nd, 13th and 14th May 2019 has scrutinized the 2018 Report of EAC Council of Ministers to the EALA on Progress made by the Community in the development of its Common Foreign and Security Policies in order to come up with a comprehensive report to be tabled before the House. The committee highly appreciated the council report and commended the Council for their well-suited

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT
RESOLUTION ON THE COUNCIL REPORT ON THE PROGRESS MADE BY
THE COMMUNITY IN THE DEVELOPMENT OF ITS COMMON FOREIGN AND
SECURITY POLICIES FROM 9TH -14TH MARCH, 2019**

1. Hon. Victor Burikukiye
2. Hon. Jean Marie Muhirwa
3. Hon. Rose Akol Okullu
4. Hon. Mary Mugenyi
5. Hon. Pierre-Celestin Rwigema
6. Hon. Gideon Gatpan Thoar
7. Hon. Dr. Ngwaru J. Maghembe
8. Hon. Dr. Abdullah H. Makame
9. Hon. Leontine Nzeyimana
10. Hon. Gabriel Alaak Garang
11. Hon. Simon Nganga Mbugua
12. Hon. George Stephen Odongo
13. Hon. Lawrence Mpuru Aburi
14. Hon. Francine Rutazana
15. Hon. Fatuma Ndangiza
16. Hon. Fancy Nkuhi Haji
17. Hon. Thomas Dut Gatkek
18. Hon. Dr. Oginga Oburu

[Handwritten signatures and initials corresponding to the list of names, including Victor Burikukiye, Jean Marie Muhirwa, Rose Akol Okullu, Mary Mugenyi, Pierre-Celestin Rwigema, Gideon Gatpan Thoar, Dr. Ngwaru J. Maghembe, Dr. Abdullah H. Makame, Leontine Nzeyimana, Gabriel Alaak Garang, Simon Nganga Mbugua, George Stephen Odongo, Lawrence Mpuru Aburi, Francine Rutazana, Fatuma Ndangiza, Fancy Nkuhi Haji, Thomas Dut Gatkek, and Dr. Oginga Oburu.]