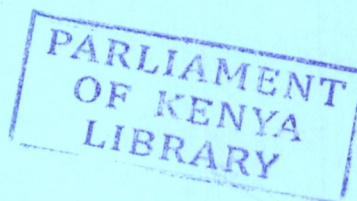

THE EAST AFRICAN COMMUNITY
BILLS SUPPLEMENT

No. 3

19th May, 2023.

to the East African Community Gazette No. 9 of 19th May, 2022.

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



THE EAST AFRICAN COMMUNITY
APPROPRIATION BILL, 2023

MEMORANDUM

The object of this Bill is to appropriate a sum of United States Dollars one hundred and three million, eight hundred and forty-two thousand, eight hundred and eighty out of the budget of the Community to meet expenditure for the organs and institutions of the Community for the financial year ending 30th June, 2024.

 THE NATIONAL ASSEMBLY P/.../D	
HON. AMB. DR. EZÉCHIEL NIBIGIRA	
<i>Chairperson Council of Ministers.</i>	
DATE:	03 AUG 2023 DAY: Thursday
TABLED BY:	The Leader of the Majority Party
CLERK AT THE TABLE:	Ann Stiburke

THE EAST AFRICAN COMMUNITY
APPROPRIATION BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Appropriation for financial year ending 30th June, 2024

4.2

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY
APPROPRIATION ACT, 2023**

An Act of the Community to appropriate a sum of United States Dollars one hundred and three million, eight hundred and forty-two thousand, eight hundred and eighty out of the budget of the Community to meet expenditure for the organs and institutions of the Community for the financial year ending 30th June, 2024.

ENACTED by the East African Community and assented to by the Heads of State.

1. This Act may be cited as the East African Community Appropriation Act, 2023 and shall be deemed to have come into force on the 1st day of July, 2023.

Short
title and
Commence-
ment.

2. Appropriation of the sum of United States Dollars one hundred and three million, eight hundred and forty-two thousand, eight hundred and eighty is allowed out of the budget of the Community to meet expenditure of the organs and institutions of the Community, as specified in the Schedule, for the financial year ending 30th June, 2024.

Appro-
priation for
financial
year ending
30th June,
2024.

SCHEDULE

s.2

APPROPRIATION FOR THE ORGANS AND INSTITUTIONS
OF THE COMMUNITY FOR FINANCIAL YEAR
ENDING 30TH JUNE, 2024

Vote	Organ or Institution of the Community	Amount in US Dollars
001	EAC-Secretariat	50,931,553
002	East African Court of Justice (EACJ)	4,450,488
003	East African Legislative Assembly (EALA)	17,681,365
004	Lake Victoria Basin Commission (LVBC)	8,471,980
005	The Inter University Council for East Africa (IUCEA)	12,394,945
006	Lake Victoria Fisheries Organization (LVFO)	2,807,993
007	East African Science & Technology Commission (EASTECO)	2,016,543
008	East Africa Kiswahili Commission (EAKC)	1,502,535
009	East Africa Health Research Commission (EAHRC)	2,193,811
010	East African Competition Authority (EACA)	1,391,667
	TOTAL	103,842,880

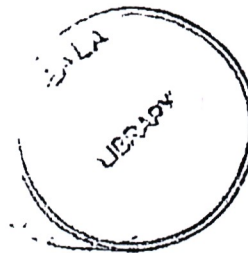
**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

Tabled Thursday
15/6/23
HA



COMMITTEE ON GENERAL PURPOSE

**REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON
SUPPLEMENTARY BUDGET REQUESTS NUMBER TWO AND
THREE FOR THE FY 2022/2023 (THE EAC SUPPLEMENTARY
APPROPRIATION BILLS (NO. 1 AND 2), 2023**



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

15th June 2023

1.0 INTRODUCTION

Mr. Speaker Sir,

In accordance with the provisions of Articles 49(2)(b) and 132 of the Treaty for the Establishment of the East African Community, Sections 4 and 7 of the East African Community Budget Act, 2009 and Rules 78 (1) (b) and Annex 5 (f) of the Rules of Procedure of the Assembly, I beg to present to the House the Report of the Committee on General Purpose on the two Supplementary Budget requests for the Financial Year 2022/2023 for consideration and adoption.

2.0 BACKGROUND

On the 23rd day of June 2022, the Assembly approved a total sum of **USD 91,579,215** as the budget of the Community for the financial year 2022/2023.

At its meeting held on 12th July 2022, the Council of Ministers adopted a supplementary budget of **USD 2,620,800** for the various Organs and Institutions for the FY 2022/23. The Chair Council presented this supplementary budget to the Assembly on 31st October 2022 and the Assembly approved it on 3rd November 2022.

At its meeting held on 19th – 23rd February 2023, the Council of Ministers adopted the second supplementary budget of **USD 16,408,045** for the various Organs and Institutions for the FY 2022/23(***Refer to Annex 1 and the Council Report for details***). On the 4th day of April 2023, the Chairperson, Council of Ministers tabled before the Assembly a request for the above supplementary budget and presented the EAC Supplementary Appropriation Bill (No.1), 2023 for the First Reading.

At its meeting held on 6th April 2023, the Council of Ministers adopted the third supplementary budget of **USD 771,872** for the various Organs and Institutions for the financial year 2022/2023 (***Annex 2***). Subsequent to this, on the 26th day of May 2023, the Chairperson, Council of Ministers tabled before the Assembly a request for the third supplementary budget for the FY 2022/2023 and presented the EAC Supplementary Appropriation Bill (No.2), 2023 for the First Reading.

The Rt. Hon. Speaker referred the two supplementary budget requests and Supplementary Appropriation Bills to the Committee on General Purpose for consideration.

According to the financial statements presented to the Assembly by the Chairperson, Council of Ministers, the source of funding for the two supplementary budgets will be as follows:

(i) EAC General Reserve Fund	-	2,414,562
(ii) Partner States Contributions (DRC)	-	7,996,343
(iii) LVFO -Reserve Fund	-	104,000
(iv) Special Contribution from Uganda	-	61,080
(v) Development Partners	-	6,603,932
Total	-	17,179,917



3.0 METHODOLOGY

During the consideration of the two supplementary budget requests, the Committee:

- (a) Held a meeting with the Council of Ministers on 4th April 2023, in Bujumbura, Burundi;
- (b) Also held meetings in Arusha from 21st – 26th May 2023 and interfaced with the Heads of Organs and Institutions, and other relevant staff of the Community;
- (c) Further interacted with the Chairperson, Council of Ministers and the Secretary General;
- (d) Scrutinized the detailed supplementary budget requests, the Financial Statements and the Bills;
- (e) Received and reviewed submissions by the Heads of Organs and Institutions on the supplementary budgets;

- (f) Made reference to the Treaty, the EAC Budget Act and other relevant laws of the Community.

The Committee finally prepared a report for consideration by the Assembly.

4.0 LAW APPLICABLE

1. Article 132 of the Treaty provides for the sources of funding, and the process of initiating and approving the budget of the Community. Article 132(5) specifically provides that *"the resources of the Community shall be utilised to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council"*.
2. Section 4 of the EAC Budget Act, 2009 provides for the procedure of tabling and consideration of the budget before the Assembly. This section mandates the Committee on General Purpose to consider, discuss and review the budget and submit its report to the House.
3. Section 4(5) of the Budget Act further provides that, *"In the exercise of their function under this section, a Committee of the Assembly may call a member of the Council, the Secretary General, any person holding office in the Community, or any person holding a public office in the Partner States and private individuals to submit memorandum or appear before it to give evidence"*.
4. Section 7(1) of the EAC Budget Act 2009 provides that, *"The total supplementary expenditure that requires resources over and above what is appropriated by the Assembly shall not exceed 5% of the total approved budget for that financial year without prior approval by the Assembly"*.
5. Section 7(2) of the same Act further provides that, *"Where funds are expended under sub-section (1), supplementary estimates showing the sums spent shall be laid before the Assembly within three months after the money is spent"*.

6. Regulation 19(4) of the EAC Financial Rules and Regulations provides thus, *"A supplementary budget shall constitute a request submitted by the Secretary General to the Council for additional resources to meet new or existing programmes and activities of the Community within the financial year."*
7. The same Regulation 19(5) provides that, *"A supplementary budget shall be necessitated by the following events: -*
 - a) *Where voting of additional resources is so urgent that the provision cannot be delayed until the next annual budget is approved; or*
 - b) *Where the financial resources required cannot be obtained through the budget reallocation process.*
8. Another guiding principle in budgeting is that, a supplementary budget can be raised upon securing/collecting additional revenues over and above what was initially budgeted for in a given financial year.

5.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

The Committee made the following findings, observations and recommendations:

1. Supplementary Budget vs Approved Budget

- (i) The total sum of funds so far requested by the Council of Ministers in the three supplementary budgets in the current financial year is **USD 19,800,717** (USD 2,620,800 + USD 16,408,045 + USD 771,872). This translates to 22% of the approved budget of the East African Community for the financial year 2022/23 – **USD 91,579,215**.
- (ii) Whereas supplementary budgets are permissible under the law, it is a violation of prudent budgeting principles for the Community to perennially raise supplementary budgets that provide for capital development expenditure such as construction of buildings and purchase of vehicles, office furniture and equipment. This is proof of poor planning and budgeting or a lack of competent technocrats to appropriately advise the Council of Ministers.

2. Legal Restrictions

- (i) Section 7(1) of the Budget Act provides that *"The total supplementary expenditure that requires additional resources over and above what is appropriated by the Assembly shall not exceed 5% of the total approved budget for that financial year without prior approval of the Assembly"*.
- (ii) In his Memo dated 23rd May 2023 addressed to the Secretary General (**Annex 3**), the Chairperson, Committee on General Purpose requested the Secretary General to furnish the Committee with, among others, a schedule of programmes/activities of the Community on which funds requested for under the supplementary budget had been expended, clearly indicating when and where the said activities were undertaken (with evidence). This request was reiterated at our subsequent meetings with the Director Finance and the Secretary General to no avail. At the time of considering this report, no information had been availed.
- (iii) Failure by the Director of Finance and the Secretary General to furnish the Assembly with the above information is proof that all the programmes/activities under the EAC Secretariat which were to be funded under the two supplementary budgets are yet to be implemented. To this end all the money that the Council had earmarked to be drawn from the EAC General Reserve Fund to implement programmes under the EAC Secretariat was presumed to be intact at the time of writing this report.

The Committee therefore recommends that the Assembly urges the Council of Ministers to take disciplinary action against officers of the Community who violate the provisions of Section (7(1) of the EAC Budget Act.

3. The EAC General Reserve Fund

- (i) A review of the two supplementary budget requests and others presented before the House in the last three financial years revealed that the EAC Secretariat is the biggest beneficiary of funding from the General Reserve Fund. For example, in FY 2021/22 out of a total sum of USD 3,518,712 that was drawn from the General Reserve Fund through a supplementary

budget, USD 1,925,612 which represented 55% was allocated to the EAC Secretariat.

- (ii) In the two supplementary budget requests under consideration, the Council earmarked a total sum of **USD 2,414,562** to be drawn from the EAC General Reserve Fund. Out of this figure, **USD 1,433,843** which represents 59.4% was allocated to the EAC Secretariat. The Committee considers this very unfair since the other Organs and Institutions have equally unfunded and underfunded priorities.
- (iii) Whereas the Committee appreciates that the Organs and Institutions of the EAC may not be equally funded due to variation and uniqueness in their respective mandates, the Council and the Assembly should ensure equitable allocation of the scarce resources during budgeting by taking into account the critical unfunded/underfunded priorities of all the Organs and Institutions of the EAC.
- (iv) In his Memo dated 23rd May 2023 addressed to the Secretary General (**Annex 3**), the Chairperson, Committee on General Purpose also requested the Secretary General to furnish the Committee with, evidence, the status of the EAC General Reserve Fund. This request was reiterated in our subsequent meetings with the Director Finance, the Secretary General and the Chair Council to no avail.
- (v) It is important to note that the EAC is an inter-governmental organisation of Partner States that believe in and uphold the rule of law, good governance and accountability. The failure by the Secretary General and the Council of Ministers to furnish the Assembly with the status of the EAC General Reserve Fund is a violation of Section 4(5) of the EAC Budget Act and other laws of the Community that promote transparency and accountability in the management of public funds. It raises serious questions about the integrity of the fund.

The Committee therefore recommends that the august House resolves that the Assembly shall not consider any subsequent budgets of the

EAC until the Council of Ministers submit (with evidence) to the Assembly the status of the EAC General Reserve Fund.

4. Underfunded/Unfunded Priorities

- (i) During the consideration of the EAC Budget for FY 2022/23, the Assembly, together with the Council of Ministers identified and agreed on the underfunded and unfunded priorities of the various Organs and Institutions (**refer to the report of the Assembly on the EAC Budget 2022/23**). Whereas it was resolved that these programmes/activities be given priority in the supplementary budget of 2022/23, the Council of Ministers, did not consider and prioritise them in the two supplementary budgets under consideration.
- (ii) The above act by the Council of Ministers is be construed as an attempt to undermine the mandate of the Assembly in the budget process or a deliberate attempt to cripple the operations of some Organs and Institutions of the Community.

5. Consideration of the Supplementary budget and the EAC Budget for FY 2023/24

- (i) On the 4th day of April 2023, the Chairperson, Council of Ministers tabled before the Assembly the second supplementary budget. However, the Assembly did not have funds in its budget for the consideration of this request. Upon consultation with the Council of Minister, it was agreed that the Assembly makes appropriate reallocations of **USD 107,900** within the same supplementary budget for the consideration of the same.
- (ii) Owing to the workload during the consideration of the EAC Budget for 2023/24, the EALA Commission granted the Committee on General Purpose three additional days to conclude budget scrutiny. It was agreed that a reallocation of **USD 56,130** be made in the supplementary budget for this purpose.

The Committee recommends that the Assembly approves a rationalization/reallocation of a total sum of USD 164,030 for the consideration of the supplementary budget and the EAC Budget for 2023/24(refer to the rationalization/reallocation schedule).

6. Translation Equipment

- (i) According to the second supplementary budget request, the Council of Ministers earmarked a total sum of **USD 2,969,497** for the procurement and installation of translation equipment in the various Organs and Institution. A review of the budget documents revealed that the allocation of funds to each Organ and Institution for this purpose is as follows: EAC Secretariat - USD 1,223,184; EACJ – USD 244,907; LVBC- USD158,058; EASTECO - USD 167,239; EAKC - USD 86,337; EAHRC – USD 118,300; EACA - USD 80,523; IUCEA - USD 528,639; EALA - USD 362,310.
 - (ii) According to the Secretary General, the above programme is meant to operationalise the Summit directive on formalising the French language as one of the official languages of the Community. While the Committee appreciates this development, the formalisation of French as one of the official languages of the Community can only be regularised through the amendment of the Treaty. The Secretary General is alive to the procedure of amending the Treaty.
 - (iii) The Committee also observed that cost of procuring and installing the translation equipment is very expensive and we could not establish the rationale for this budget line. The Committee was unable to access some of the basic documents such as quotations/invoices from potential suppliers that the Organs/Institutions could have relied on to make such estimates.
 - (iv) The Committee also did not find any rationale for each Organ and institution of the Community to procure and install a sperate set of translation equipment at such an astronomical cost at a time when the Community is grappling with scarce resources and poor remittance of funds by Partner States.
- 1) The Committee recommends that the Assembly stays the approval of all the funds that were earmarked for the procurement and installation of translation equipment.***

- 2) The Committee recommends that the Council expeditiously initiate the process of amendment of the Treaty for the use of Kiswahili and French, as additional official languages of the Community.**

7. Contribution from the Democratic Republic of Congo

- (i) The Democratic Republic of Congo became a member of the EAC in July 2022. According to Article 132(4) of the Treaty, like any other Partner State, the DRC was enjoined to commence honouring her financial obligations to the Community for the financial year 2022/23 with effect from July 2022.
- (ii) According to the second supplementary budget request, the DRC will make a contribution of USD 7,996,345. However, as at 15th June 2023, the DRC had not made any remittance of funds to the Community.
- (iii) A review of the budget documents revealed that 85% of the contribution of DRC towards the Community in FY 2022/23 was earmarked to fund programs/activities aimed at integrating the DRC into the Community whereby 90% of these activities are about sensitisation. These activities which are spread across all Organs and Institutions were found to be either a duplication or overlapping, and do not address the critical needs and goals of the Community.
- (iv) Whereas the Committee appreciates the need to integrate the DRC into the Community, this process must be well guided through proper planning and alignment of these programs/activities with the EAC integration goals. In the absence of a comprehensive roadmap for the integration of DRC into the Community, the Committee is constrained to advise the Assembly to approve funds for the said programs/activities.
- (v) The Committee was also informed by the Heads of Organs and Institutions that given the remaining short time to the end of the financial year, non-remittance of funds by DRC and the procedures of procurement and convening of meetings in the Community, it would not be possible to implement these programs/activities in FY 2022/23.

(vi) The above notwithstanding, the Committee noted that there were some programs/activities under this source of funding whose implementation had commenced and some commitments had already been made (**Annex 4**). According to the submissions received by the Committee, the following Organs and Institutions had either incurred expenses or made commitments on the basis of DRC's contributions as follows:

- 1) EAC-Secretariat – USD 122,900
- 2) East African Court of Justice – USD 187,106;
- 3) East African Legislative Assembly – USD 1,980,480;
- 4) East African Kiswahili Commission – USD 127,700; and
- 5) East African Competition Authority – USD 60,550

Total	-	USD 2,478,736
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1. The Committee therefore recommends to the Assembly to approve the contribution from DRC towards the second supplementary budget as follows:

(i) A total sum of USD 2,478,736 be allocated to these Organ/Institutions: EAC-Secretariat – USD 122,900; EACJ – USD 187,106; EALA – USD 1,980,480; EAKC – USD 127,700; and EACA – USD 60,550 for the expenses incurred on programs/activities indicated in Annex 4.

(ii) The balance from DRC's contribution to be taken to the EAC General Reserve Fund.

2. The Committee further recommends to the Assembly to urge the Council of Ministers to expeditiously prepare a comprehensive roadmap for the integration of the Democratic Republic of Congo into the Community.

8. Eligibility Test

The laws of the Community provide for the circumstances under which a supplementary can be raised and granted. Regulation 19 of the EAC Financial Rules and Regulations specifically provides that a supplementary budget can be granted if (i) the matter is an emergency - very urgent and (ii) when funds cannot be secured through reallocation within the approved budget. Therefore, the Committee subjected all the programs/activities in the second supplementary budget request to this test and the programs/activities listed in the table below failed the test:

Table: Programs/Activities that failed the eligibility test for supplementary funding

Organ/ Institution	Program/Activity	Funding Source	Amount in USD	Page of the 43 rd Ordinary Meeting Council Report
EAC Secretariat	To facilitate convening Policy Meetings	General Reserve	60,000	84-85
	To facilitate recruitment process for various vacant positions	General Reserve	208,950(98,000 spent)	86-88
	To facilitate Meetings of Permanent Secretaries on Institutional Review Report	General Reserve	90,670	88-89
	To facilitate 2 nd Edition of the EAC Sports Tournament	General Reserve	29,500	90-91
	To facilitate 7 th Annual EAC Secretary General's Forum	General Reserve	17,000	91-92
	To facilitate activities of the Civil Aviation Department	General Reserve	29,950	93-96
	To facilitate activities of the Internal Audit of the Community	General Reserve	39,100	97-98
	To facilitate public relations and publicity	General Reserve	21,900	104

East African Court of Justice	To facilitate the EACJ to procure a motor vehicle	General Reserve	100,000	125
Lake Victoria Basin Commission	To facilitate accreditation of LVBC	General Reserve	31,000	141
East African Science and Technology Commission	To purchase a new vehicle for the Executive Secretary	General Reserve	100,000	122-124
East African Health Research Commission	To acquire EAHRC Assets	General Reserve	13,300	122
GRAND TOTAL			643,370	

During the consideration of this report in the House, the Chairperson, Council of Ministers informed the House that whereas he agreed with the Committee on this matter, most of the Organs had commenced implementation of the programs/activities highlighted in the table above. The House accordingly resolved that the said Organs and Institutions proceed with the implementation of the said programs.

9. Inaugural outreach of the Community by the 5th Assembly

- (i) Since the coming into existence of the Assembly, every incoming (new) Assembly is given a first opportunity for an outreach activity of the regions northern and central corridors to enable new members to acquaint themselves with the issues that will shape or confront their work in their five (5) year term. This activity exposes Members of the new Assembly to matters directly related to the four (4) pillars of the EAC integration, EAC facilities, EAC organs and Institutions, as well as, directly interfacing with EAC citizens to listen to them firsthand what needs to be done to improve their livelihoods and how best the Members can advocate for them or to pursue their priorities. The activity also serves to bring the members closer to Central and Local Government Officials; the civil society and the private sector.

- (ii) Whereas the Assembly made a request of **USD 798,500** to undertake this activity, no budgetary provision was availed for this very important activity in the supplementary budget. The Council should appreciate the need to enhance the abilities of the Members as they seek for an efficient and effective Assembly. Additional funds are therefore required for this activity.

The Committee recommends that the Assembly approves a rationalization/reallocation of a total Sum of USD 798,500 from the programs/activities indicated in Annex 5 to EALA to enable that Assembly undertake the inaugural outreach of the Community in financial year 2022/23.

10. Refusal to make adjustments in approved Budget

- (i) The Committee received complaints from the Heads of Organs and Institutions and other officers of the Community that for the last three years the Assembly has approved the budget with rationalisation/reallocations, the responsible officers from the EAC Secretariat have not been effecting the necessary adjustments in the final budget document and the EAC Budget Management System. As a result, they do not receive the approved funds to implement their programs/activities.
- (ii) The Committee takes exception to the unprofessional conduct of the budget and finance officers of the EAC Secretariat for deliberately refusing to effect the necessary changes in the EAC Budget Management System upon approval by the Assembly. This act of indiscipline undermines the mandate of the Assembly and runs counter to the EAC principles of good governance and accountability.

The Committee recommends that the Assembly directs:

- 1) *the Clerk of the Assembly to transmit copies of the report on the two supplementary budgets to all Heads of Organs and Institutions upon approval by the House.*
- 2) *the Secretary General to adhere to the rationalisation/reallocations in the supplementary budgets as approved by the Assembly and make immediate adjustments in the EAC Budget Management System.*
- 3) *Urge the Council of Ministers to take disciplinary action against any office of the Community who refuses to make adjustments in the Budget Management System when the Assembly approves the budget with amendments.*

6.0 SPECIFIC RECOMMENDATIONS

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

1. The Assembly approves the rationalisation/reallocation of a total of **USD 962,540** from and within the following Organs and Institutions to the East African Legislative Assembly to implement urgent programs/actives as indicated in **Annex 5** of this report (***Rationalisation/Reallocation Schedule***).
2. The Assembly approves a total sum of **USD 11,904,329** under the second supplementary budget request to facilitate the implementation of various programs and activities in the Organs and Institutions of the Community in financial year 2022/23 as indicated below:

Table: Allocation of Funds under the Second Supplementary Budget

Vote	Organ/Institution of EAC	Amount in USD
001	EAC – Secretariat	2,965,416
002	East African Court of Justice	287,106
003	East African Legislative Assembly	3,069,870
004	Lake Victoria Basin Commission	1,117,858



005	Inter-University Council for East Africa	2,868,510
006	Lake Victoria Fisheries Organisation	1,036,291
007	East African Science and Technology Commission	134,000
008	East African Kiswahili Commission	165,703
009	East African Health Research Commission	134,425
010	East African Competition Authority	125,150
	Total	11,904,329

Note: Whereas the Supplementary Appropriation Bill had provided for a USD 16,408,045, the Assembly will amend the Bill to provide for a total sum of only USD 11,393,959 because sum of USD 437,370 that had been earmarked from the General Reserve has not been approved and a balance of USD 4,576,716 being part of the contribution from DRC will go to the General Reserve Fund.

3. During the Committee of Supply, the House votes funds to the Organs and Institution as indicated in the table above.
4. During Second Reading of the first EAC Supplementary Appropriation Bill, 2023, (**Bill Committee Stage**), the House shall the Bill to give effect to specific recommendation No.1, No.2 and No.3 above (**Annex 6**).
5. The Assembly approves a total sum of **USD 771,872** under the third supplementary budget request to facilitate the implementation of various programs and activities in the Organs and Institutions of the Community in FY 2022/23 as indicated below:

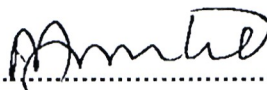
Vote	Organ/Institution of the EAC	Amount in USD
001	EAC - Secretariat	318,221
003	East African Legislative Assembly	322,194
006	Lake Victoria Fisheries Organisation	131,457
	Total	771,872

6. The Assembly directs the Clerk of the Assembly to transmit to the Secretary General within twenty-four hours after the approval of the two supplementary budgets, a schedule of rationalisation/reallocations for appropriate adjustments in the EAC Budget Management System.
7. The Assembly directs the Secretary General to:
 - (i) make appropriate adjustments in the EAC Budget Management System to accommodate the rationalisation/reallocations as approved by the august House in these supplementary budgets not later than 19th June 2023.
 - (ii) submit and lay before the Assembly the final signed copies of the two supplementary budgets at the next sitting of the Assembly.
8. The Assembly directs the Secretary General to send a demand note to the Democratic Republic of Congo for a total sum of USD 7,996,343 being her contribution to the EAC Budget for the FY 2022/23.
9. The Assembly adopts the Committee report and approves the EAC Supplementary Appropriation Bills (No.1 and No.2), 2023 with the above amendments.

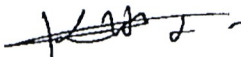
Mr. Speaker Sir, I beg to report

REPORT OF THE COMMITTEE ON THE GENERAL PURPOSE ON THE
CONSIDERATION OF THE EAC SUPPLEMENTARY BUDGET FOR FY 2022/2023

1. Hon. Kennedy Mukulia Ayason



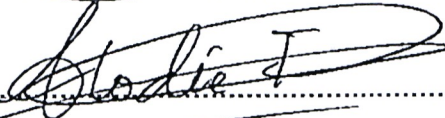
2. Hon. Aboubakar A. Kachwamba



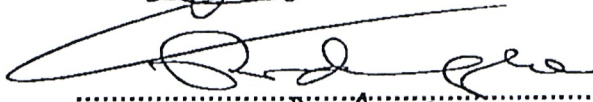
3. Hon. Alex Bahati



4. Hon. Alodie Iradukunda



5. Hon. Amb. Fatuma Ndangiza



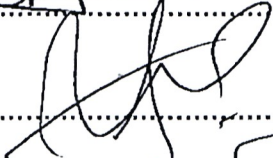
6. Hon. Anastase Manirambona



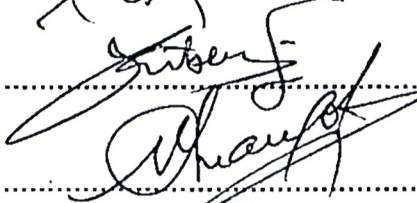
7. Hon. Dennis Namara



8. Hon. Dr. Abdullah Makame



9. Hon. Dr. Saidi Kibeya



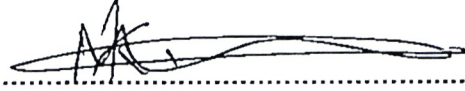
10. Hon. Francois M. Ngate



11. Hon. Gai Deng Nhial



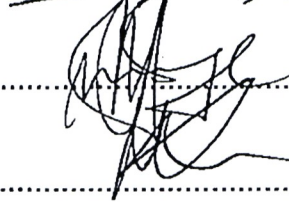
12. Hon. Godffrey Maina Mwangi



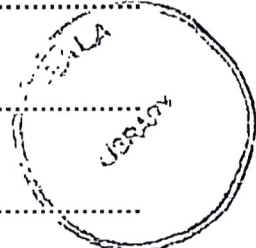
13. Hon. Jeremie Maswama



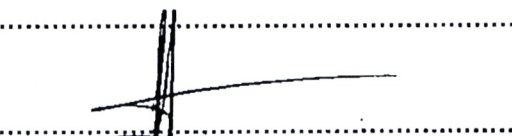
14. Hon. Kanini Kega



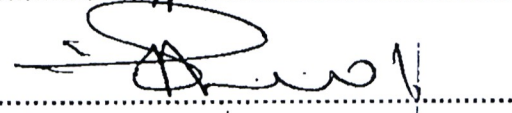
15. Hon. Khalfan Ngole Mashaka



16. Hon. Kim Gai



17. Hon. Paul Mwasu Musamali

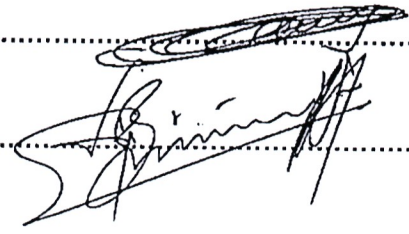


18. Hon. Rose Akol Okullu

19. Hon. Stella Nyota Mwetaminwa

20. Hon. Victor Burikukiye

21. Hon. Winnie I. Odinga



Handwritten signature of Hon. Winnie I. Odinga, written across three horizontal dotted lines.

EAST AFRICAN COMMUNITY
SECRETARIAT

ANNEX 1

P.O. Box 1096
ARUSHA, TANZANIA



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E-mail: eac@eachq.org/
sgoffice@eachq.org

Our Ref: P&I/1/2/6
Date: 21st March, 2023

The Clerk
East African Legislative Assembly (EALA)
P.O. Box 1096
Arusha, Tanzania

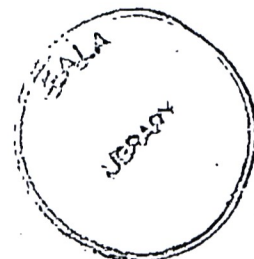
Dear Clerk,

RE: SUBMISSION OF THE SUPPLEMENTARY BUDGET FOR FINANCIAL YEAR
2022/20223

I have the honor to inform you that, at its 43rd Ordinary Meeting, the Council of Ministers considered and adopted the EAC Supplementary Budget amounting to USD16,408,045 and referred the same to the Assembly for debate and approval.

This is a second supplement budget to the East African Appropriation Bill for the Financial Year 2022/23 passed by the East African Legislative Assembly in June 2022 amounting to USD91,579,215 (United States Dollars Ninety-One Million, Five Hundred and Seventy Nine Thousand, Two Hundred and fifteen only) and to the supplementary appropriation bill amounting to USD2,620,800 (United States Dollars Two Million, Six Hundred and Twenty Thousand, Eight Hundred only) passed by same Assembly in November 2022 to facilitate the implementation of various activities of the EAC Organs and Institutions during the Financial Year 2022/23.

These additional funds approved by the Council of the Ministers are from the contribution by the Democratic Republic of Congo for FY'2022-2023, General Reserve fund, and our Development Partners to support various activities geared toward integrating DRC and other urgent additional financial resource requirements needed to meet new or underfunded existing projects and programmes of the Community within the current financial year which cannot wait for the next budgeting cycle.



The funds are summarized in the following votes and the same are earmarked to implement the Projects and Programmes as listed in the tables below:

1.1 Projects and Programmes funded by the Supplementary Budget from the Democratic Republic of Congo in the Financial Year 2022/23

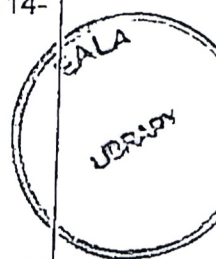
Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
EAC-Secretariat	Various activities including integrating the DRC into the Community projects and programmes and.	Partner States- DRC	1,543,651	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	1,223,184	Page153-154
Total-EAC-Secretariat			2,766,835	
East African Court of Justice	Various activities including integrating the DRC into the Community projects and programmes.	Partner States- DRC	389,066	Page153-154
Total-EACJ	To procure/acquire translation and interpretation services & equipment for EAC Organs and Institutions	Partner States- DRC	244,907	Page153-154
Total-EACJ			633,973	
East African Legislative Assembly	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	865,000	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	1,649,440	Page153-154
Total-EALA			2,514,440	
Lake Victoria Basin Commission	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	300,340	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	158,058	Page153-154
Total-LVBC			458,398	
East African Science and Technology Commission	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	118,637	Page153-154
	To procure/acquire translation and interpretation services & equipment for EAC Organs and Institutions	Partner States- DRC	167,239	Page153-154

Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
Total-EASTECCO			285,876	
East African Kiswahili Commission	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	127,700	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	86,337	Page153-154
Total-EAKE			214,037	
East African Health Research Commission	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	191,744	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	118,300	Page153-154
Total-EAHRC			310,044	
East African Competition Authority	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	82,186	Page153-154
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	80,523	Page153-154
Total-EACA			168,523	
Inter-University Council of East Africa	Various activities including integrating the DRC into the Community projects and programmes	Partner States- DRC	115,580	Page153-155
	To procure/acquire translation and interpretation equipment for EAC Organs and Institutions	Partner States- DRC	528,639	Page153-155
Total-IUCEA			644,219	
Grand Totals			7,996,343	

1.2 Projects and Programmes funded by Supplementary Budget from General Reserve, Special Funds and Development Partners in the Financial Year 2022/2023

Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
EAC-Secretariat	8th Meeting of National Stakeholder Consultations for Drafting the Political Confederation (2 days meeting)	Special contribution from Republic of Uganda	61,080	Page 81-82
	National Stakeholders Consultations in the Republic of Kenya (for 19 days)	General Reserve	411,950	Page 82-84
	To facilitate convening of Policy meetings	General Reserve	60,000	Page 84-85
	To facilitate recruitment of the two (2) DSGs	General Reserve	70,550	Page 85-86
	To facilitate the recruitment process for various vacant positions	General Reserve	208,950	Page 86-88
	To facilitate a meeting of the Permanent Secretaries to consider the issues raised on the institutional review report by Institutions and Organs of the Community	General Reserve	90,670	Page 88-90
	To facilitate the 2 nd Edition of the EAC Sports Tournament	General Reserve	29,500	Page 90-91
	To facilitate the 7 th Annual EAC Secretary General's Forum	General Reserve	17,000	Page 91-92
	To facilitate activities of the Civil Aviation Department activities in pages 94-96	General Reserve	29,950	Page 93-96
	To facilitate activities of Internal Audit of the Community in pages 97-98	General Reserve	39,100	Page 97-98
	To facilitate the Extra Ordinary Meeting of Finance and Administration Committee	General Reserve	90,700	Page 98-100
	To facilitate the implementation of the activities of the Office of the Counsel to the Community pages 100-103	General Reserve	41,350	Page 100-103

Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
	To facilitate Public Relations and Publicity Programmes /activities	General Reserve	21,900	Page 103-104
	EACS-TOTAL FROM GENERAL RESERVE FUND		1,172,700	
	DEVELOPMENT PARTNERS FUNDS ACTIVITIES			
	To facilitate provision of consultancy services by the Media Relations Expert, Project Assistant, Interpretation Expert and French Translation Expert for the Office of the Secretary General	GIZ	96,400	Page 104-109
	To facilitate the emergency activities of COVID-19 related activities	AfDB	365,477	Page 109-112
	To support Capacity building on election observer mission and other EAC capacity building activities	CHINA FUND	200,000	Page 112-113
	To support facilitation of youth election observer mission in the Republic of Kenya	Swiss Federal Department of Foreign Affairs	47,984	Page 114
	To support Public National Health Laboratories activities in the Partner States	Federal Republic of Germany through the German Development Bank (KfW)	430,000	Page 114-115
	To facilitate program liaison and financial management functions under USAID projects	USAID	96,849	Page 114-115
	To Support Participation of the Environment and Natural Resources department & LVBC in East African Community to attend the United Nations Climate Change Conference, 6 th - 18 th November, 2022 in Sharm El-Sheikh, Egypt-	GIZ	86,286	Page 155-157



Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
	To facilitate activities under Agriculture and Food Security Department in pages 158-162	USAID	242,820	Page 158-162
	Total -EACS Development Partners		1,565,816	
Total-EAC-Secretariat			2,738,516	
East African Court of Justice	To facilitate the East African Court of Justice to procure a motor vehicle	General Reserve	100,000	Page 125
Total-EACJ			100,000	
East African Legislative Assembly	To facilitate participation of EALA staff to support the 1 st Meeting of the 5 th Assembly	General Reserve	148,500	Page151-152
Total-EALA			148,500	
Lake Victoria Basin Commission	To facilitate the accreditation of the Lake Victoria Basin Commission to the Green Climate Fund	General Reserve	31,000	Page140-141
	To clear arrears in annual membership fees (2019-2022) to the African Network of Basin Organizations	General Reserve	12,000	Page141-142
	TOTAL- LVBC EAC GENERAL RESERVE FUND		43,000	
Lake Victoria Basin Commission	to facilitate the implementation of the earmarked project activities for Integrated Water Resources Management – IWRM in pages 137-139	KFW	174,850	Page137-139
	To support the implementation of the Adapting to Climate Change in Lake Victoria Basin (ACC-LVB) Project activities in pages 162-163	UNEP	931,008	Page162-163
	TOTAL FOR LVBC Development Partners Fund		1,105,858	
Total-LVBC			1,148,858	
East African Kiswahili Commission	To facilitate the development of the 2 nd EAKC Strategic Plan	General Reserve	38,000	Page136-137
Total- EAKC			38,000	
East African Science and	To purchase a new vehicle for the Executive Secretary of EASTECO	General Reserve	100,000	Page122-124

Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
Technology Commission	To facilitate the development of the 2 nd EASTECO Strategic Plan	General Reserve	34,000	Page122-124
Total-EASTECO			134,000	
East African Health Research Commission	To pay monthly Staff Emoluments & other annual, one-off allowances	General Reserve	121,125	Page120-122
	Acquisition of EAHRC Assets	General Reserve	13,300	Page120-122
Total-EAHRC			134,425	
East African Competition Authority	Mid-year review and evaluation of the EACA Strategic Plan 2019/20220 – 2023/24	General Reserve	19,950	Page117-120
	Experts meeting to consider the EAC Competition (Merger and Acquisition) Assessment Guidelines	General Reserve	44,650	Page117-120
Total-EACA			64,600	
Inter-University Council of East Africa	Inter- University Council of East Africa To facilitate the Inter University Council of East Africa to implement the African Centres of Excellence (ACE II) project activities from page 125 to page 135	World Bank		Page125-135
Total-IUCEA	Development Partners		2,868,510	
Lake Victoria Fisheries Organization	To facilitate the development and approval of architectural drawings and Bills of Quantities for an additional building at LVFO premises	LVFO-General Reserve Fund	28,000	Page143-144
	To facilitate the improvement of the Resource Data Centres and Wide Area Networks	LVFO-General Reserve Fund	76,000	Page144-145
			104,000	
	Development Partners Funds			
	To facilitate implementation of first year activities of the Promoting Sustainable Technologies and Marketing Strategies to Increase Incomes and Reduce Food Losses in Small Fish Systems project	International Fund for Agricultural Development (IFAD)	500,000	Page145-147

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



**REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE EAST
AFRICAN COMMUNITY BUDGET ESTIMATES FOR REVENUE AND
EXPENDITURE FOR THE FINANCIAL YEAR 2023/2024**

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

22nd June 2023



ACRONYMS

ACE	African Higher Education Centers of Excellence
AfCFTA	African Continental Free Trade Area
AfDB	African Development Bank
AUC	African Union Commission
CASSOA	Civil Aviation Safety and Security Oversight Agency
CTC	Counsel to the Community
DRC	Democratic Republic of Congo
EACA	East African Competition Authority
EAHRC	East African Health Research Commission
EAHRJ	East African Health Research Journal
EACJ	East African Court of Justice
EAKC	East African Kiswahili Commission
EALA	East African Legislative Assembly
EAMS	East African Monitoring Systems
EASTECO	East African Science and Technology Commission
EASTRIP	East Africa Skills for Transformation and Regional Integration Project
EU	European Union
ICT	Information, Communication and Technology
IGAD	Inter Governmental Authority on Development
ILO	International Labour Organisation
IUCEA	Inter-University Council for East Africa
IMF	International Monetary Fund
LVBC	Lake Victoria Basin Commission
LVB	Lake Victoria Basin
LVFO	Lake Victoria Basin Commission
MDAs	Ministries Departments Agencies
MTEF	Medium Term Expenditure Framework
PWDs	Persons with Disabilities
REACH	Regional East African Community Health
READSCoR	Regional East African Disease Surveillance, Control Response

RECs	Regional Economic Communities
RFU	Regional Facilitation Unit
RUFORUM	Regional Universities Forum for Capacity Building in Agriculture
SPS	Sanitary and Phytosanitary
STEM	Science, Technology, Engineering and Mathematics
STI	Science, Technology and Innovation
TSMs	Technical Support Missions
TVET	Technical and Vocational Education and Training
UN	United Nations
USAID	United States Agency for International Development
USD	United States Dollars
WTO	World Trade Organisation

1.0 INTRODUCTION

Mr. Speaker Sir,

In accordance with the provisions of Articles 49 (2) and 132 of the Treaty for the Establishment of the East African Community and Rules 74 and 75 of the Assembly Rules of Procedure, Chairperson Council of Ministers laid on table the Annual Budget Estimates of Revenue and Expenditure of the East African Community for the FY 2023/2024 on 26th May 2022. Accordingly, the Rt, Hon. Speaker referred the Annual Estimates of Revenue and Expenditure of the East African Community for the FY 2023/2024 to the Committee on General Purpose for consideration.

Pursuant to the provisions of Articles 49(2) and 132 of the Treaty, and as further amplified by Rule 81 (c), (e), and (g) Annex 5 (f) of the Rules of Procedure of the Assembly, the Committee on General Purpose proceeded to consider the Annual Estimates of Revenue of Expenditure FY 2022/2023. The Committee hereby presents its report.

2.0 METHODOLOGY

During the consideration of the Budget Estimates, the Committee:

- a) Held meetings in Arusha and interfaced with the Chairperson, Council of Ministers, the Secretary General, Heads of Organs and Institutions and other relevant officers of the Community.
- b) Scrutinized and considered the following documents:
 - (i) The Policy Statement by the Secretary General on the EAC Budget for FY 2023/2024;
 - (ii) The EAC Budget Summaries for FY 2023/2024;
 - (iii) The EAC Summary of activities – MTEF for FY 2023/2024;
 - (iv) The EAC Annex to the Budget for FY 2023/2024 (Detailed MTEF);
 - (v) The EAC Budget Performance for July 2022 – March 2023;
 - (vi) The EAC Project Financial Statement for the FY 2023/2024;
 - (vii) The EAC Annual Operational Plan for FY 2023/2024;
 - (viii) The Pre Budget Conference Report for FY 2023/2024;
 - (ix) The Progress Report for July 2022 – March 2023;
 - (x) Extract of the 48th Extra Ordinary Meeting of Council of Ministers Report;
 - (xi) The Staff Recruitment Plan for 2023/2024;
 - (xii) The Procurement Plan for 2023/2024;
 - (xiii) The EAC Appropriation Bill for FY 2023/2024; and
 - (xiv) The EAC Budget Speech for FY 2023/2024.

The Committee also made reference the Treaty, the EAC Budget Act, the EALA Rules of Procure and other relevant leagal instruments of the Community.

3.0 ACHIEVEMENTS DURING THE FY 2022/2023

According to the Secretary General, during the year 2022/2023, the Community has so far achieved the following:

(a) Strengthening of regional governance, political commitment, accountability, and inclusivity to improve peace and security in the build up to an EAC Political Confederation.

- (i) Relaunch of the Nyerere Center for Peace and Research on 6th February 2023.
- (ii) National consultations for the Republic of Kenya undertaken from 8th – 27th May 2023.
- (iii) Deployment of an EAC Election Observation Mission to the Republic of Kenya General Elections in August 2022.
- (iv) Deployment of an EAC Regional Force in Eastern DRC which in the first six months made tremendous achievements including the cease fire, withdrawal by M23 in territories previously occupied and ongoing inter Congolese Dialogue between the DRC Government and armed groups, civil societies, religious groups and victims of human rights abuse.
- (v) Increased internal institutional mechanisms on strengthening Organisational systems.

(b) Increased visibility, knowledge, awareness and participation of the Private Sector, citizens and other stakeholders in the EAC integration process.

- (i) The Secretariat issued 80 press releases and held 48 media briefings. More than 30 news stories were either published or aired in the print and electronic media in the region.
- (ii) 6,700 people were sensitized on EAC integration during study tours to EAC HQs and exhibitions to showcase the EAC integration.
- (iii) Livestreamed key EAC events to enhance visibility.
- (iv) Production and distribution of various promotional materials.

c) Effective implementation of the EAC Customs Union and Common Market Protocols to increase EAC Intra- Trade and enhance freedoms and rights under the Common Market Protocol.

- (i) The EAC total trade increased by 13.4 per cent to USD 74.03 billion in 2022 from USD 65.268 billion in 2021. In 2022, EAC total exports to the rest of the world were valued at USD 20.139 billion, while total imports from the rest of the world into the EAC amounted to USD 53.891 billion.
- (ii) Total intra EAC trade grew by 11.2 per cent to USD 10.910 billion in 2022 from USD 9.810 billion in 2021. The major intra EAC traded products are cereals, cement, iron and steel, live animals, petroleum products, sugar, foods and beverages.

- (iii) Resolved 23 out of 32 Non Tariff Barriers (NTBs) that were reported. The remaining nine (9) NTBs are at different stages of resolution.
- (iv) Organised the 22nd Micro Small Medium sized Enterprises (MSMEs) Trade Fair in Kampala, Uganda that was attended by 1,500 exhibitors from all the Partner States. The fair provided an opportunity for exhibitors to showcase and sell locally made products, build cross border linkages and technology transfer.
- (v) Harmonized 172 standards for the commonly traded goods and about 86% of the adopted standards were harmonized and implemented across the Partner States in accordance with the Standardisation Quality Assurance Metrology and Testing (SQMT) Act 2006.
- (vi) Partner States continued with the issuance of the East African e-passport. Burundi, Kenya, Rwanda, Uganda and Tanzania have phased out the old machine readable passports. South Sudan and the Democratic Republic of Congo are yet to commence on the issuance of the East African e-passport.

d) Improvement of productivity, value addition, promotion of regional supply chains, local content and domestication of regional commitments to improve socio-economic welfare of East Africans.

- (i) Developed simplified guidelines on rules, procedures and regulations to enhance participation of agricultural related MSMEs in cross border trade, and
 - (ii) Coordinated the establishment of regional and national industry platforms comprising public and private sectors in leather, pharmaceuticals, fruits and vegetables and automotive.
- (e) **Leveraging on new technologies to support the migration of production and service delivery to digital platforms and enhance e-business opportunities.**

The East African Science and Technology Commission (EASTECO) convened the first EAC Regional Youth Innovation Forum and Exhibition, which was attended by over 500 participants, hosted 40 innovation exhibitors.

(f) Strengthening of the Global Health Agenda for the EAC Region

- (i) Developed and launched the digital version of the Zanzibar scorecard for tracking the progress of Reproductive, Maternal, New born, Child and Adolescent Health (RMNCAH).
- (ii) Trained 150 young researchers under the Young East African Research Scientists (YEARS) in research ecosystem skills.

(g) Implementation of the Road Map for the attainment of the EAC Monetary Union

Bills for the establishment of two institutions of the East African Monetary Union (EAMU) were passed by the East African Legislative Assembly in November 2022 and are now awaiting assent to by the Summit of EAC Heads of State. The two Bills are: The EAC Surveillance, Compliance and Enforcement Commission; and the East African Financial Services Commission.

(h) **Improvement of quality multi- sectoral strategic infrastructure and related services to support and accelerate sustainable regional integration and competitiveness.**

- i. Construction of the 400 Km Malindi- Lunga Lunga and Tanga Bagamoyo Road continues with EUR 375 million funding from AfDB and EU.
- ii. Construction of the Kabingo-Kasulu- Manyovu (260km) in Tanzania and Gitaza – Rumonge (45km) in Burundi is ongoing with USD322.35 million funding from AfDB.
- iii. Installed two additional meteorological radar stations in Kigoma and Mbeya, Tanzania.
- iv. Installed 342 automatic weather stations and 143 automatic rain gauges by Partner States.

(i) **Political Confederation**

EAC undertook national consultations on the Constitution of the EAC Confederation in the Republic of Kenya in May 2023.

The Community also received:

- (i) a title deed for a 125 acre parcel of land in Kisongo, Arusha, Tanzania.
- (ii) 4500 meters square in Zanzibar, Tanzania for the East African Kiswahili Commission.
- (iii) Approximately 6.1 acres land in Bujumbura, Burundi for the East African Health Research Commission.
- (iv) Approximately two (2) acres leasehold in Nairobi, Kenya for the CASSOA center for Aviation Medicine.

4.0 STATUS OF CONTRIBUTION BY PARTNER STATES

Table F1A: Status of Contributions by Partner States towards the EAC Main Budget (EAC Secretariat, EALA, EACJ, LVBC, EAKC, EASTECO, EAHRC & EACA) - amounts in USD

PARTNER STATE	ARREARS	CONTRIBUTION DUE 2022/2023	CONTRIBUTION PAID 2022/2023		TOTAL OUTSTANDING
1. Republic of Burundi	5,067,447	7,352,124	2,989,219	41%	9,430,352
2. Democratic Republic of Congo	-	7,352,124	-	0%	7,352,124
3. Republic of Kenya	-	7,352,124	7,352,104	100%	20
4. Republic of Rwanda	-	7,352,124	6,431,735	87%	920,389
5. Republic of South Sudan	22,064,510	7,352,124	-	0%	29,416,634
6. United Republic of Tanzania	-	7,352,124	7,350,209	100%	1,915

7. Republic of Uganda	-	7,352,124	6,083,626	83%	1,268,498
Total	27,131,957	51,464,868	30,206,893	59%	48,389,932

Table:F1B. Inter University Council of East Africa (IUCEA)

PARTNER STATE	ARREARS	CONTRIBUTION DUE 2022/2023	CONTRIBUTION PAID 2022/2023		TOTAL OUTSTANDING (IUCEA Budget)
1. Republic of Burundi	6,382,127	644,223	514,254	80%	6,512,096
2. Democratic Republic of Congo	-	644,223	0	0%	644,223
3. Republic of Kenya	(1,925)	644,223	644,194	100%	(1,897)
4. Republic of Rwanda	3,395,153	644,223	644,148	100%	3,395,228
5. Republic of South Sudan	2,819,803	644,223		0%	3,464,026
6. United Republic of Tanzania	761	644,223	642,945	100%	2,038
7. Republic of Uganda	4,223	644,223	447,919	70%	200,526
Total	12,600,141	4,509,559	2,893,460	64%	14,216,240

Table:F1C. Lake Victoria Fisheries Organisation (LVFO)

PARTNER STATE	ARREARS	CONTRIBUTION DUE 2022/2023	CONTRIBUTION PAID 2022/2023		TOTAL OUTSTANDING (LVFO Budget)
1. Republic of Burundi	500,903	465,500	140,724	30%	825,679
2. Republic of Kenya	6	465,500	465,494	100%	12
3. United Republic of Tanzania	31	465,500	464,957	100%	574
4. Republic of Uganda	-	465,500	356,461	77%	109,039
Total	500,940	1,862,000	1,427,636	77%	935,304

Table: F1D. Civil Aviation Safety and Security Agency (CASSOA)

PARTNER STATE	ARREARS	0	0	TOTAL OUTSTANDING (IUCEA Budget)	
1. Republic of Burundi	96,830	448,793	0	0%	545,623
2. Republic of Kenya	-	448,793	448,793	100%	-

3. Republic of Rwanda	-	448,793	448,793	100%	-
4. Republic of South Sudan	1,234,802	448,793		0%	1,683,595
5. United Republic of Tanzania	-	448,793	316,195	70%	132,598
6. Republic of Uganda	-	448,793	448,793	100%	0
Total	1,331,632	2,692,758	1,662,574	62%	2,361,816

Source: EAC Secretariat

4.1 BUDGET PERFORMANCE REVIEW FOR THE FY 2022/2023

Mid-Year Budget Performance Review FY 2022/2023

The budget performance for EAC Organs and Institutions for the period from 1st July to 31st December, 2022 is indicated in the table below:

Table 2: Budget Performance Report, July to December 2022

#	Organ/Inst'n Name	Funding Source	Approved Budget for the FY	Amount disbursed in USD	Expenditure to 31/12/22	Budget still available	Budget utilised in %	Comment
1	EAC-Secretariat	Partner States	18,540,224	8,953,125	7,998,884	10,541,340	43%	Reasonable level of execution of activities
		Development Partners	28,741,276	5,636,962.02	4,176,657	24,564,636	23%	See Note (2) below
2	East African Court of Justice	Partner States	3,803,836	2,054,071	2,280,899	1,522,936	60%	Extra Court Session
3	East African Legislative Assembly	Partner States	17,404,409	12,465,527	8,982,524.98	8,421,884.02	52%	Reasonable level of execution of activities
4	Lake Victoria Basin Commission	Partner States	4,068,590	2,424,539	1,243,000	2,825,590	31%	Procurement of contractor for construction of LVBC HQ Phase 11 is ongoing
		Development Partners	3,193,617	1,351,461	462,194	2,731,425	15%	See Note (2) below
5	Inter-University Council for East Africa	Partner States	3,865,315	2,893,460	1,761,059	2,104,256	46%	Reasonable level of execution of activities
		Member Universities	495,870	195,489	142,672	353,198	29%	Efforts are being made

#	Organ/Inst'n Name	Funding Source	Approved Budget for the FY	Amount disbursed in USD	Expenditure to 31/12/22	Budget still available	Budget utilised in %	Comment
								to improve collections from Member Universities
		Reserves for HQ Construction	2,000,000	2,000,000	200,942	1,799,058	10%	Still Contracting process
		Development Partners	4,205,684	1,365,690	1,058,293	3,147,391	25%	
6	Lake Victoria Fisheries Organization	Partner States	1,862,000	1,407,717	699,856.53	1,162,143.47	38%	20%PS contribution was released in last month of the second quarter, activities implemented as per approved work plan
		Development Partners	945,083	455,659.19	365,692.78	579,390.22	39%	activities implemented as per approved work plan
7	East African Science and Technology Commission	Partner States	1,725,256	926,357	791,935	923,321	46%	Reasonable level of execution of activities
8	East African Health Kiswahili Commission	Partner States	1,284,219	659,897	596,000	688,219	47%	Reasonable level of execution of activities
9	East African Health Research Commission	Partner States	1,867,666	1,004,672	606,982	1,260,684	32%	See Note (1) below
10	East African Competition Authority	Partner States	1,075,732	580,895	496,765	578,967	46%	Reasonable level of execution of activities
	TOTAL-EAC							

Source: EAC Secretariat

Note:

- (1) Moderate budget absorption rate by Organs and Institutions on activities funded by the Partner States is mainly attributed to challenges in delayed remittances. Even though the overall budget performance outlook is for the 6 months, the majority of the activities are anticipated to be carried out in the remaining quarters of the FY2022/2023 (January - June 2023).

(2) Underspending on activities funded by Development Partners is mainly attributed to variations in budget cycles of the EAC and development partners. It is expected that absorption rate will improve in quarter 3 and 4.

5.0 BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2023/24

The Council of Ministers requests the Assembly to approve a total budget of **USD 103,842,880** for the FY 2023/2024 as compared to **USD 91,579,215** the FY 2022/2023 as shown in the table below.

Table 3: Summary of the Proposed Financial Year 2023/2024 EAC-Budget in Comparison to FY2022/23

PLANNED EXPENDITURE								
Organ/ Institution	FY 2022/2023			FY 2023/2024			Change	
Description	Partner States	Development Partners	Total	Partner States	Development Partners	Total	USD	%
EAC- Secretariat	17,009,349	28,127,692	45,137,041	19,596,177	31,335,376	50,931,553	5,794,512	13%
East African Court of Justice	3,803,836		3,803,836	4,450,488		4,450,488	646,652	17%
East African Legislative Assembly	15,086,640		15,086,640	17,681,365		17,681,365	2,594,725	17%
Lake Victoria Basin Commission	4,068,589	4,220,885	8,289,474	3,217,940	5,254,040	8,471,980	182,506	2%
East African Science & Technology Commission	1,725,256		1,725,256	2,016,543		2,016,543	291,287	17%
East Africa Kiswahili Commission	1,284,219		1,284,219	1,502,535		1,502,535	218,316	17%
East Africa Health Research Commission	1,867,665		1,867,665	2,193,811		2,193,811	326,146	17%
East African Competition Authority (EACA)	1,011,132		1,011,132	1,391,667		1,391,667	380,535	38%
The Inter University Council for EA	6,361,185	4,205,684	10,566,869	5,005,469	7,389,476	12,394,945	1,828,076	17%
Lake Victoria Fisheries Organizatio n	1,862,000	945,083	2,807,083	1,977,016	830,977	2,807,993	910	0%
Total	54,079,871	37,499,344	91,579,215	59,033,010	44,809,870	103,842,880	12,263,665	13%

5.1 Table4: Summary of the proposed Revenues Financial Year 2023/2024 EAC-Budget in comparison to FY 2022/23

EXPECTED REVENUE								
SOURCE OF REVENUE	FY 2022/2023			FY 2023/2024			CHANGE	
Description	Partner States	Develop Partners	Total	Partner States	Develop Partners	Total	USD	%
Ministries for EAC Affairs	44,112,746		44,112,746	51,464,865		51,464,865	7,352,119	17%
Ministries Responsible for Education	3,865,315		3,865,315	4,509,524		4,509,524	644,209	17%
Ministries Responsible for Fisheries	1,862,000		1,862,000	1,862,000		1,862,196	196	0%
Member Universities	495,870		495,220	495,945		495,945	725	0%
Development Partners		37,499,344	37,499,344		44,809,870	44,809,870	7,310,526	19%
Miscellaneous Revenue	285,740		285,740	492,026		491,830	206,090	(85%)
General Reserve-IUCEA	2,000,000		2,000,000	-		-	-	-
General Reserve-LVBC	78,200		78,200	-		-	-	-
General Reserve-EAC	1,380,000		1,380,000	208,650		208,650	(1,171,350)	(85%)
Total	54,079,871	37,499,344	91,579,215	59,033,010	44,809,870	103,842,880	12,263,665	13%

Source: EAC Secretariat

5.2 PRIORITY AREAS AND PROGRAMMES FOR THE BUDGET FOR FY 2023/24

The Budget for the financial year 2023/24 has been prepared in line with the Global/Sector specific priority areas and targets agreed upon during the Pre-Budget Conference held from 22nd – 23rd September 2022 and adopted by the 43rd Ordinary Meeting of the Council of Ministers, as well as directives and decisions of the Council and Summit.

In the FY 2023/24, the Community will focus on the following key priority areas:

- Strengthening of regional governance processes, and domestication of regional and international commitments for sustainable peace and stability;
- Increasing sensitisation, visibility, knowledge, awareness and participation of the private sector, citizens and other stakeholders in the EAC integration process;
- Harmonisation of trade related policies, laws and regulations, and streamlining of customs and trade facilitation systems for increased trade and investment;

- d) Harmonisation of fiscal and monetary policies, and establishment of requisite institutions towards the realisation of the East African Monetary Union;
- e) Leveraging modern technologies to enhance productivity, value addition and to promote regional supply and value chains and digital platforms;
- f) Enhancement of the regional productive capacity and increase in value addition to improve the economic welfare of East Africans;
- g) Strengthening of social sectors to improve the social welfare of East Africans;
- h) Improvement and expansion of quality multi-modal and multi-sectoral infrastructure to support free cross border movement;
- i) Strengthening of the capacity of all EAC Organs and Institutions to effectively discharge their mandate; and
- j) Finalise negotiations on admission of the Federal Republic of Somalia to the East African Community.

5.3 Expected Outcomes in the Financial Year 2023/2024

It is expected that implementation of the above priority programs will result into the following outcomes:-

- a) Improved peace and security in the build-up to an EAC Political Confederation;
- b) Expansion of the Community to include more Partner States;
- c) Increased awareness and active participation of the Private Sector, citizens and other stakeholders in the EAC integration process;
- d) Increased EAC intra-trade and enjoyment of freedoms and rights under the Common Market Protocol;
- e) Improved productivity, value addition, promotion of regional supply chains, local content leading to improvement of the socio-economic welfare of East Africans;
- f) Increased level of e-business opportunities resulting from the migration of production and service delivery to digital platforms;
- g) Strengthened Global Health Agenda for the EAC Region;
- h) Enhanced implementation of the Road Map for the attainment of the EAC Monetary Union;
- i) Improved quality multi-sectoral strategic infrastructure and related services to support and accelerate sustainable regional integration and competitiveness; and
- j) Strengthened capacity of all EAC Organs and Institutions to effectively execute their mandates; and
- k) With increased number of Partner States, to consider increased space within the EAC Headquarters to accommodate the new staff and members.

5.4 Key Challenges

Despite the progress that has been made in the implementation of the Community's projects and programmes, a number of challenges still persist:-

- a) Delays in disbursement of Partner States' contributions to the EAC Budget which results in delayed implementation of regional commitments;
- b) The persisting delay in concluding the development of a sustainable financing mechanism which is seriously impacting on the process of EAC's integration;
- c) Lags in implementation of the Common Market Protocol (CMP) by Partner States mainly due to lengthy procedures for amending national policies, laws and regulations to conform to the Protocol and inadequacy of resources to support implementation of the CMP; and
- d) Lack of an effective mechanism for enforcement of the Community's decisions and directives.

5.5 Strategies for mitigating the above challenges

The Community will implement the following strategies to mitigate the effects of the above challenges:-

- a) Adherence to the schedule of disbursement of contributions to the EAC Budget by Partner States as provided in the EAC Financial Rules and Regulations (2012);
- b) Expediting the consultations of the Partner States on the proposed Sustainable Financing Mechanism for the Community to be adopted by the Council and approved by the Summit;
- c) Continuous engagement with development partners to support the EAC projects and programmes;
- d) Engagement with Partner States to improve the linkage between regional and Partner States planning frameworks through the development of EAC country specific programmes to guide the implementation of regional commitments at national level; and
- e) Comprehensive review of the EAC Treaty to enhance its robustness, align it to the current realities in the seven Partner States and include an enforcement mechanism.

6.0 PROPOSED BUDGET ALLOCATION AND PLANNED ACTIVITIES/OUTPUTS IN FY 2023/2024

6.1 EAC-SECRETARIAT

The EAC-Secretariat requests the approval of **USD 50,931,553** for the FY 2023/2024. This amount has been allocated to the Offices as indicated below:

- i. Consultative dialogue forums held at the national and regional levels;
- ii. Participate in EALA plenary sessions;
- iii. Developing and strengthening the capacity of all EAC Organs and Institutions to effectively execute their mandate;
- iv. To convene EAC Audit and Risk Committee meetings;

- v. To convene an Annual EAC Secretary General's Forum for Civil society, Private Sector and other interest groups;
- vi. To convene 2 Heads of State Summits;
- vii. To convene a retreat of Attorneys General, Solicitors General, Permanent Secretaries, Judicial Officers and Legal Fraternity to discuss new legal developments in the EAC;
- viii. To coordinate and represent EAC in high level donor engagements;
- ix. To facilitate HR team to attend meetings of the Council, Sectoral Council Audit and Risk Committee and EALA for the agenda concerning HR matters.

6.2 EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Council proposes the approval of **USD 17,681,365** for the Assembly to implement among others, the following key programmes/activities in 2023/2024:

- i. Enactment of the remaining Bills that are pre-requisite for the establishment of the third Pillar of Integration (the Monetary Union);
- ii. Enhance its oversight function to ensure that the people of East Africa benefit fully from the implementation of the Common Market rights and freedoms;
- iii. Strengthen its collaboration with National Legislatures of the EAC Partner States to improve popular participation of people in the integration process through their elected representatives;
- iv. Fast-track the implementation and operationalization of its administrative and financial autonomy granted by Council in its 33rd meeting held on 29th February, 2016;
- v. Amend the EALA Rules of Procedure;
- vi. Prepare and submit proposals to amend the EAC Treaty;
- vii. Audit the implementation of Assembly Resolutions and recommendations;
- viii. Audit the status of Bills un-assented to;
- ix. Develop its 4th Strategic Plan (2024 – 2029);
- x. Build capacity for the Members of the 5th Assembly and staff to effectively and efficiently discharge its cardinal mandate of legislation, oversight and representation;
- xi. Organize the 16th EAC Bureau of Speakers in Juba, South Sudan;
- xii. Organize the 13th EAC Inter-Parliamentary Games in Kigali, Rwanda.

6.3 EAST AFRICAN COURT OF JUSTICE (EACJ)

The Organ requests the approval of **USD 4,450,488** for FY 2023/2024 to implement among others, the following key programmes/activities:

- i. Sessions of the 1st Instance Division including the November session in the Republic of Rwanda which shall require all Judges and staff's participation
- ii. Sessions of the Appellate Division including the November Session in the Republic of Rwanda which shall require all Judges and staff's participation

- iii. Validation of draft EACJ Strategic Plan, FY 2023-2028.
- iv. The 3rd Annual Judicial Symposium which shall take place in the Republic of Rwanda.
- v. The training of Judges of the EACJ on Arbitration and Mediation.
- vi. Facilitation of Court Clerks during EACJ'S exchange programme.
- vii. Participation of Judges and the Registrar at six (6) fora and statutory meetings of the EAC.
- viii. Convene two Plenary Sessions.

6.4 LAKE VICTORIA BASIN COMMISSION (LVBC)

The Commission requests the approval of **USD 8,471,980** for FY 2023/2024 to implement the following key programmes/activities:

- i. Attend oversight meetings including EALA Committee on Audited Accounts, EAC Audit & Risk
- ii. Committee meetings to facilitate fiduciary management
- iii. Review LVBC key operating systems for existence, compliance and efficiency (- asset verification and risk management).
- iv. Convene a consultative workshop of Project partners to design a research grants programme for masters and PhD students in EAC/LVB universities on Environment, Climate Resilience, Agriculture & Water.
- v. Convene Semi-annual Knowledge for experience sharing and learning events for LVB researchers and practitioners.
- vi. convene two regional meeting to facilitate Establishment of an LVB institutional network with relevant technical institutions on Agriculture and water modeling and forecasting.
- vii. Facilitate collaboration between the national and the international network-led Agriculture systems for up-scaling modeling and simulation for food and fodder crops in LVB.
- viii. Facilitate quarterly meetings of the core group of the scaleWAYS Community of Practice to foster joint planning, collaboration and learning.

6.5 INTER- UNIVERSITY COUNCIL FOR EAST AFRICA (IUCEA)

The Institution requests the approval of **USD12,394,945** for the FY 2023/2024 to implement among others, the following key programmes/activities:

- i. To carry out the midterm evaluation of the Strategic Plan
- ii. At least bi-annual RSC meetings are held offering implementation guidance to RFU
- iii. Bi-annual Technical Advisory Meetings are held with all ACEs in attendance
- iv. Facilitate staff (IUCEA and Project) capacity building
- v. Facilitate the operations of RUFORUM/RTOs.
- vi. Facilitate the verifications of project results
- vii. Facilitation of meetings and workshops.

- viii. Implement project communication strategy
- ix. Participate in agricultural regional meetings and conferences and exhibitions
- x. Publication of policy briefs
- xi. Undertake Technical Support Missions (TSMs) to ACEs
- xii. Experts and Staff visit to 8 incubation and acceleration centers
- xiii. Facilitate networking and partnership platform
- xiv. Facilitation of female students awarded scholarships to attain a master's degree
- xv. Facilitation of trainings and mentorship events
- xvi. Organize 2 write shops for ACEs and other partners, to develop concept notes and project proposals
- xvii. Facilitation of business incubation and acceleration including linkages with private sector and investors and forums such as the high-level platform.
- xviii. Conduct an annual beneficiary satisfaction survey
- xix. Coordinate and facilitate bi-annual EASTRIP Technical and dissemination workshop
- xx. Enhance human capacity building for RFU/IUCEA project staff -Project coordinator , M&E , Accountant, Communication officer and audit assistant

6.6 LAKE VICTORIA FISHERIES ORGANIZATION (LVFO)

The Organisation requests the approval of **USD2,807,993** to implement among others, the following key activities/programmes in FY 2023/2024:

- i. Sensitising stakeholders on fish flows and linkages for enhanced access external markets;
- ii. Installation of solar drying equipment in the Partner States;
- iii. Sensitising stakeholders on solar dryer technologies for enhanced fish quality and safety;
- iv. Developing standards and guidelines for quality assessment of sail fish with associated capacity building;
- v. Supporting the Partner States in developing country specific Aquatic Animal Health strategies and surveillance, control and contingency plans;
- vi. Supporting TVETs to deliver tailor made courses to aquaculture business operators and national fisheries officers in the EAC; and
- vii. Develop a regional framework for synchronised to conduct of fisheries enforcement.

6.7 EAST AFRICA SCIENCE AND TECHNOLOGY COMMISSION (EASTECO)

The Commission requests the approval of **USD2,016,543** for the FY 2023/2024 to implement among others, the following key programmes/activities:

- i. Development and piloting of a regional STI Indicator data Management infrastructure
- ii. Roll-out of a comprehensive Regional STI data Indicator and web-based database system
- iii. Assessment for the establishment of Centers of Excellence for Adaptation & Transfer of Manufacturing & Industrial Technologies in the EAC Region

- iv. Identification, transfer and diffusion of technology solutions in processing, conservation and distribution of agricultural products for use by SMEs and farmers
- v. Development of a portfolio of technology tools for adaptation to climate change in the energy and environmental sectors
- vi. Conduct online training on entrepreneurship skills for 450 youth innovators for creativity and job creation
- vii. Support to 2 Partner States to develop the National Bioeconomy Policies
- viii. The development of 2nd State of the Bioeconomy in Eastern Africa Report
- ix. Data collection and update EAC Regional Bioeconomy Observatory Knowledge Sharing Portal with data and information.
- x. Publish four issues of the East African Journal of Science, Technology and Innovation
- xi. Grant three multidisciplinary collaborative research and development projects
- xii. Design and implement a regional STEM information management system that captures STEM interventions, initiatives, programs and activities at all levels for dissemination
- xiii. Convening of the 3rd STI Conference and Exhibition
- xiv. Training of at least 400 researchers in scientific writing
- xv. Assessment of the status of indigenous knowledge and technologies practices in the EAC
- xvi. Identification of centers of excellence for the Fourth Industrial Revolution
- xvii. Convening of the ICT working Group meeting to provide general direction to the regional ICT programme
- xviii. Regional Innovation hub validation to strengthening the Regional Networks of ICT Hubs

6.8 EAST AFRICA KISWAHILI COMMISSION (EAKC)

The Commission requests the approval of **USD 1,502,535** to fund the implementation of the following programmes/activities in FY 2023/2024:

- i. Hold Meeting of Regional Organizing Committee for the 2nd EAC World Kiswahili Language Day Celebrations.
- ii. Hold 2nd EAC World Kiswahili Language Day Celebrations.
- iii. Conduct Regional Meeting of Experts/Stakeholders to validate the Draft EAC Treaty in Kiswahili.
- iv. Convene National Meetings to Validate Draft 2nd EAKC Strategic Plan.
- v. Convene Regional Stakeholder Meetings to validate the Draft 2nd EAKC Strategic Plan
- vi. Hold National Meeting for Kiswahili Stakeholders in DRC.
- vii. Convene Regional Consultative meeting of Kiswahili Experts/stakeholders on the Development of Regional Kiswahili Language Policy.
- viii. Hold the 2nd EAKC International Kiswahili Conference.
- ix. Dissemination/Awareness Creation (to stakeholders) on EAKC Kiswahili Training Programs and Manuals.

- x. National Sensitization and Training for Kiswahili Stakeholders in DRC.
- xi. Development of Kiswahili Training Program and Manual for DRC.
- xii. Validation of EAKC Kiswahili Training Program and Manual for DRC.
- xiii. Preparatory Meetings for 2nd EAKC International Kiswahili Conference.
- xiv. Preparatory Meetings for 3rd EAC World Kiswahili Language Day.

6.9 EAST AFRICAN HEALTH RESEARCH COMMISSION (EAHRC)

The Commission requests the approval of **USD 2,193,811** for the implementation of among others, the following programmes/activities in FY 2023/2024:

- i. Recruit a new cohort of 42 (6 from each Partner State in the 7 EAC PS) Young East African Research Scientists and 210 Master Students (5 Master Students per young researcher)and strengthen them in leadership, mentorship and research ecosystem skills;
- ii. Continue publishing the health research findings of the region through the EAHRC journals and develop policy briefs for evidence-based policy formulation and good practice.
- iii. Resource mobilization to implement the health programs of the Digital Regional East African Community Health (REACH) initiative;
- iv. Conduct needs assessment of the existing assets and policies in EAC Partner States in order to identify and address the gaps in developing the Regional East Africa Health Cloud.
- v. Conduct situation analysis of disease outbreaks in EAC region in order to set up the Regional East Africa Disease Surveillance, Control and Response (READSCoR).
- vi. Harmonization of the ethics and regulatory frameworks, guideline and tools for health research.
- vii. To publish at least 3 issues of the East African Health Research Journal (EAHRJ) annually.

6.10 EAST AFRICAN COMPETITION AUTHORITY (EACA)

The Authority requests for the approval of **USD 1,391,667** to fund the implementation of the following programmes/activities FY 2023/2024:

- i. Investigate and analyse merger and acquisition notification application, Restrictive trade Practices, Abuse of dominance and consumer cases
- ii. Developing toolkits to facilitate enforcement for example Fines and penalties guidelines, Exemption guidelines
- iii. Development of second EACCA Strategic Plan 2024/25-2028/29
- iv. Sensitization and awareness creation on competition matters to all the relevant stakeholders
- v. Capacity building of stakeholders especially in Partner States without competition laws/agencies

- vi. Concluding cooperation frameworks with Partner States premised on section 43 of the EAC Competition Act.

7.0 SPECIFIC OBSERVATIONS AND RECOMMENDATIONS

Duplication of programs/unrealistic programs/activities

A review of the planned programs and activity under the EAC Secretariat and other Institutions revealed the following:

- (i) There is a lot of travels yet some of the activities can be done at the Headquarters of the EAC or relevant Institutions. This explains the high expenses on air tickets and per diem.
- (ii) There is duplication of activities.
- (iii) A lot of expenses are being incurred on rent.
- (iv) A lot of expenses on printing, protocol, ushers.
- (v) Some of the activities are highly costed.
- (vi) Most of the programs/activities are not aligned to the four pillars of the EAC Integration.
- (vii) Most of the programs/activities do not have measurable/tangible outputs.
- (viii) The budget is not gender sensitive. No specific initiatives to promote and support women and youth programs in the Community.

In view of the above, the Committee recommends that the Assembly approves the reallocation of funds for programs/activities as per Annex 1 of this report.

7.2 EAST AFRICAN COURT OF JUSTICE (EACJ)

Additional days for Court Sessions

The Committee was informed that as at 10th June 2023, there was a backlog of 265 cases at both the 1st Instance and Appellate divisions of the East African Court of Justice and this has led to delay in the dispensation of justice. The Committee noted that despite persistent requests from the EACJ for enhanced funding to enable the Courts clear case backlog and dispense justice in a timely manner, the Council of Ministers has continued to ignore this noble request.

Whereas the Committee appreciates the need to increase funding to the EACJ for the effective discharge of its mandate, a review of its budget for 2023/24 revealed that there are some programs/activities that are not very critical to the enhancement of the mandate of the Court. These programs/activities include: attending Commonwealth meetings. Given the scarcity of funds in the Community, there is need to reallocate the budgets of these activities to provide resources for additional days for Court sessions to clear case backlog. The cost of ten additional days is USD 102,500.

The Committee also noted that **USD 76,650** has been earmarked for validation of the EACJ Strategic Plan. It is the considered view of the Committee that this activity should be done virtually and the money be reallocated within the EACJ to cater for additional days for court sittings to clear case backlog.

The Committee recommends that the Assembly approves the reallocation of USD 76,650 (from the activity of validation of strategic plan) and USD 25,850 (from the activity of attending Commonwealth meetings) within VOTE 002 – EACJ to provide USD 102,500 for ten (10) additional days of Court sittings to clear case backlog (Annex 1).

7.3 EAST AFRICAN LEGISLATIVE ASSEMBLY

Persistent and unjustified reduction in the budget of the Assembly

The Committee noted that the Council has persistently and unjustifiably reduced the budget of EALA to the extent of removing critical budget lines. In FY 2012/13 when EALA had membership from only five Partner States, its budget was USD 19M compared to USD 17M in 2023/24 with membership from seven Partner States. This unjustified reduction in funding substantially impedes the functioning of the Assembly. Among others, the following were noted:

i. Facilitation of the Office of the Speaker

It was noted that, since 2020, there has been a considerable reduction in funds allocated to facilitate the Speaker of the Assembly in the discharge of his duties. The Committee noted that there is disparity in facilitating the various Heads of Organs and

Institutions of the Community. In the case of EALA, it negatively affects the visibility and relevance of the Assembly in the integration process.

The Committee recommends that the Assembly urges the Council of Ministers to provide additional funding to the Office of the Speaker in a supplementary budget in FY 2023/24 to enhance the functionality, visibility and effectiveness of the Assembly.

ii. Reduction in Plenary Sitzings

There is reduction in the number of plenary sessions. At the time when the volume of work of the Assembly has substantially increased, the Council found it prudent to reduce the number of plenary sessions from six to four. This is in contravention of the existing legal instruments that regulate the business of the Assembly. The budget under consideration provides for four plenary sessions of fourteen days each which makes it 56 day, yet Rule 10(6) of the Rules of Procedure of the Assembly provides that the Assembly shall have not less than eighty (80) sittings in a given financial year.

The Committee recommends that the Council provides an additional USD 1,642,300 in a supplementary budget in FY 2023/24 to enable the Assembly hold eighty (80) plenary sittings as per the provisions of Rule 10(6) of the Procedure of the Assembly.

iii. Reduction in Work Days for Committees

According to the budget estimates, there is a reduction in the number of days that the Committees of the Assembly will take to carry out oversight activities and public hearings in Partner States. It should be recalled that Committee work days which were seven (7) up to 2017, were reduced to four (4) by the Council of Ministers. It is unrealistic for the Council to expect a Committee of the Assembly to travel to all the seven Partner States in four days (including the days of travel). According to the submission of the Clerk of EALA, the cost of three additional days for the six Committees of the Assembly is USD 825,360.

In accordance with Article 49(2)(g) of the Treaty and Rule 10(6) of the Rules of Procedure of the Assembly, the Committee recommends that the Assembly approves a reallocation of USD 597,461 for additional work days for the Committees of the Assembly as per Annex 1 of this report to enable Members have reasonable time to do quality work.

iv. **Annual EAC/EALA Inter-Parliamentary Games**

Article 49 (2) and 65 of the Treaty enjoins the Assembly to establish functional relations with national parliaments of the EAC partner states. To achieve this, the Assembly devised the annual EAC parliamentary games through which Members of Parliament from the EAC national parliaments and EALA meet to further advance the EAC integration agenda through the games' pre-conference activities, outreach activities to the communities where the games occur and through free entrance for communities to the games' venue. The budget line for the activities is for 9 days and yet the EAC Speakers Bureau resolved that the games be undertaken in twelve (12) days and not nine (9) days. Therefore, a budget of USD 216,200 is required for an additional twelve (3) days.

The Committee recommends that the Assembly urges the Council of Ministers to provide a sum of USD 216,000 through a supplementary budget in financial year 2023/24 for three additional days for the Inter-Parliamentary Games.

v. **Sensitization of the EAC citizenry**

Article 49(2)(a) of the Treaty enjoins the Assembly to, among others, liaise with National Assemblies, Partner States and other stakeholders on matters of integration. In fulfilment of this Treaty obligation, EALA has always organized and participated in two (2) major public outreach and sensitization activities every financial year. This program affords opportunity to Members of the Assembly to take the EAC directly to the citizens and other key stakeholders, and also enlist their views on the integration process. For the last two financial years the Council has not provided funds to the Assembly to undertake sensitization which is EALA's representative role. The activity was omitted from this financial year's budget and therefore constitutes a funding gap of USD 630,000.

The Committee recommends that the Assembly urges the Council of Ministers to provide a sum of USD 630, 000 in a supplementary budget in the FY 2023/24 to enable the Assembly carry out sensitization in Partner States.

vi. Annual EAC/EALA Inter-Parliamentary Relations Seminar (Nanyuki Series)

Article 49 (2)(a) and 65 of the Treaty obligates the Assembly to establish functional relations with national parliaments of the EAC Partner States. To achieve this, the Assembly devised the annual Nanyuki series and inter-parliamentary liaison committees as well as the East African Parliamentary Institute, the annual EAC parliamentary games and the bi-annual EAC Speakers Forum. This serves as an opportunity for EALA to interact with national parliaments to deepen the EAC integration agenda and to further entrench the EAC at Partner State levels. A budget of USD 291,000 is therefore required for the Assembly to undertake this activity in four days.

The Committee recommends that the Assembly urges the Council of Ministers to provide a sum of USD 291, 000 in a supplementary budget in FY 2023/24 to enable the Assembly convene the Annual EAC/EALA Inter-Parliamentary Relations Seminar (Nanyuki Series).

vii. Arrears for Staff of the Assembly

In accordance with EALA's Calender of Activitties, the Asembly carried out a number of activities during the covid-19 pandemic beteen March 2020 – November 2020. Among these were Plenary and Committee meetings which were facilitated by members staff. Whereas Members of the Assembly were paid their outstanding arrears in September 2022, the staff are yet to be paid a sum of USD 116,900 as per **Annex 2** of this report. During debate on the same matter in the House in June and November 2022 in Arusha and Kigali respectively, the Chair Council noted that staff of the Assembly deserve their pay and made a commitment to ensure it is honoured.

The Committee recommends that the Assembly approves a reallocation of a sum of USD 116,900 within VOTE 003 - East African Legislative Assembly as per Annex 1 of this report for the payment of the outstanding arrears for staff of the Assembly.

viii. Aides to Members of EALA with Disabilities

In line with Article 50 of the Treaty that provides for the participation of special interest groups in seeking elective posts at EALA, Hon. Kasamba Mathias (Uganda) and Hon. Bahati Alex (Rwanda) were elected to the 4th Assembly (2017 -2022). In the same vein Hon. Alex Bahati and Hon. David Ole Sankok(Kenya) were elected to the 5th Assembly(2022 - 2027 to represent Persons with Disabilities(PWDs).

The Treaty, UN Conventions, African Charters and national laws of Partner States espouse the rights of working PWDs, besides warranting affirmative action to the benefit of PWDs. Taking this into account, the Council in 2008 appointed an Aide to Hon. Dr. Ndahiro. However, the Council has not accorded the same treatment to the aforementioned Members of the 4th and 5th Assembly.

The Committee recommends that the Assembly urges the Council to:

- 1. Approve the retrospective appointment of Aides for the late Hon. Mathias Kasamba, Hon. Alex Bahati and Hon. Ole David Sankok.***
- 2. approve the outstanding arrears of emoluments of these Aides and an extra budgetary requirement of emoluments for the Aides of the two Members in a supplementary budget for FY 2023/2024***

7.4 EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION(EASTECO)

(i) A Bloated Board

The Protocol for the establishment of EASTECO provides for the establishment and constitution of a governing board with seven representatives from each Partner State. The the current board has forty-nine (49) members. Besides posing a big challenge during decision making, such a bloated board is a big liability to the Community given the enormous financial expenses associated with its operations. Whereas the Committee was informed that a raft of amendments to the Protocol have been proposed, there is no clear timeframe within which these amendments will be finalised and effected.

The Committee recommends that the Assembly urges the Council of Ministers to expedite the amendment of the Protocol for the establishment of EASTECO by June 2024 to provide for, among others a lean board.

ANNEX 2

SCHEDULE OF ARREARS FOR EALA STAFF: USD 116,900.

DATE	DETAILS OF THE ACTIVITY	AMOUNT IN USD	AMOUNT IS USD
18 - 21.4.2020:	EAC PHARMACEUTICAL BILL - GPC		
	Per diem USD 350 * 4 days * 1 staff		1,400
	Per diem USD 250 * 4 days * 2 pax	2,000	3,400
22 – 25.04.2020:	CONSIDERATION OF THE COUNCIL REPORT ON EAC COMMON FOREIGN AND SECURITY POLICIES		
	Per diem USD 350 * 4 days		1,400
	Per diem USD 250 * 4 days	1,000	2,400
17 – 22.05.2020:	SENSITISATION ACTIVITY		
	Per diem USD 350 * 6 days * 2 staff		4,200
	Per diem USD 250 * 6 days * 5 staff	7,500	11,700
29 - 30.6.2020	EAC Vote on Account		
	Per diem USD 350 * 2 days * 1 staff		700
	Per diem USD 250 * 2 days * 2 staff	1,000	1,700
12.08.2020:	Special Sitting - EAC Annual Budget Estimates for 2020/21		
			(Vote on Account)
	Per diem for Prof Staff USD 350 * 5 pax * 1 day		1750
	Per diem for Gen Staff USD250 * 7* 1 day	1,750	3,500
13 - 25.08.2020:	General Purpose Committee - EAC Annual Budget Estimates 2020/2021		
	Per diem USD 350 * 13 days * 1 staff		4,550
	Per diem USD 250 * 13 days * 2 staff	6,500	11,050
28.08.2020:	General Purpose Committee - EAC Annual Budget Estimates 2020/2021		
	Per diem USD 350 * 1 day * 1 staff		350
	Per diem USD 250 * 1 day * 2 staff	500	850
31.8 - 16.9.2020:	General Purpose Committee - EAC Annual Budget Estimates 2020/2021		
	Per diem USD 350 * 19 days * 1 staff		6,650
	Per diem USD 250 * 19 days * 2 staff	9,500	16,150
25.9 - 15.10.2020:	Special Sitting - EAC Annual Budget for 2020/2021		
	Per diem USD 350 * 21 days * 4 staff		29,400
	Per diem USD 250 * 21 days * 7 staff	36,750	66,150
TOTAL			116,900

(ii) Multi-disciplinary collaborative research and development project

According to the budget estimates, EASTECO intends to implement the three multidisciplinary collaborative research and development project grants at a cost of USD 120,000. However, the Executive Secretary informed the Committee that the tools and instruments for the implementation of Research and Development are not yet in place.

The Committee was also informed that among the critical unfunded priorities of EASTECO is the implementation of **the EAC Regional Youth Innovation and Entrepreneurship Skills Development Programme** which is a flagship programme of EASTECO and falls in the core mandate of EASTECO and benefits the majority of EAC youth citizens for creativity and job creation.

The programme will also stimulate and support young innovators in generating scientific and technologically innovative solutions to social needs and market demand and turning them into successful ventures. It will further help in identifying and supporting regionally relevant youth innovations that address socio-economic challenges in the Community and support their commercialization and business growth, strengthen the entrepreneurship skills capacity for youth creativity and job creation, facilitate access to, peer to peer learning mentorship.

The Committee therefore recommends that a sum of USD 120,000 that was initially earmarked for the multi-disciplinary collaborative research and development project be reallocated within EASTECO(Annex 1) to facilitate the implementation of the EAC Regional Youth Innovation and Entrepreneurship Skills Development Programme in FY 2023/24 as follows:

- i. Identify and support talented youth innovators in developing scientific, technological, and innovative solutions for societal needs = US\$21,000.***
- ii. Convene 2nd Youth Innovation Forum in May 2024 for nurturing talent youth and accelerating innovation start-ups. US\$90,000.***
- iii. Youth Innovation awards (2 best innovators from each Partner State awarded) US\$35,000.***

7.5 EAST AFRICAN KISWAHILI COMMISSION

Kiswahili and French as official languages of the Community

At the 21st Ordinary Summit of the Heads of State of the EAC held on 21st February 2021, the Heads of State adopted Kiswahili and French as additional official languages of the Community and directed the Council to expedite the implementation modalities of the directive. Subsequently, the Sectoral Council on Education, Science and Technology, Culture and Sports (SCESTCS) directed EAC Secretariat to develop a roadmap for implementation of this Summit directive. The roadmap as adopted by the Sectoral Council on Education, Science and Technology, provides for, among others; amendment of the Treaty and EAKC Protocol; developing EAC Kiswahili language Policy; developing EAC Language Policy and capacity building.

With the admission of the Democratic Republic of Congo and her full participation in the programs and activities of the Community, it is obvious that the two official languages will be used alongside the English language on a regular basis. However, the Council was non-committal on the timeframe for the amendment of the Treaty to give effect to the use of Kiswahili and French as additional official languages of the Community.

The Committee recommends that the Assembly urges the Council to expedite the amendment of the Treaty and approval of the aforementioned policies to give effect to the use of Kiswahili and French as additional official languages of the Community.

8.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

- (i) According to the Budget Estimates for financial year 2023/24, out of a total sum of USD 103,842,880, a total sum of USD 57,836,389 will be contributions from Partner States which represents 55.6% of the total budget. Other sources of funds will be: Development Partners USD 44,809,870; EAC General Reserve Fund USD 208,650; Member Universities of IUCEA USD 495,945; Interests and Proceeds from Disposals USD 384,366; and Road Agencies from Partner States USD 107,660.
- (ii) The Committee noted with concern the persistent decline in Partner State contribution towards the EAC budget at a time when the Community is growing and expanding. The growth and expansion have not attracted a proportionate increase in funding to

address the ever-growing needs of the Community. Instead, the Community continues to register remarkable decrease in the annual financial contributions of Partner States towards the EAC. The Committee questions the rationale for the creation of more institutions when the existing ones are not reasonably funded.

- (iii) Whereas the Committee was informed that there is ongoing consultations among Partner States, on the sustainable financing mechanism, the Council of Ministers need to appreciate urgency of finalising this matter given the timelines of the pillars of integration.

The Committee recommends that the Assembly urges the Council of Ministers to expedite the finalisation of a sustainable financing mechanism for the Community.

- (iv) No effort has been made to sanction the non-compliant Partner States. Over the years, the Assembly has passed several resolutions urging the Council of Ministers to invoke the relevant Treaty provisions to sanction the Partner States that have failed to meet their financial obligations to the Community. Owing to delayed or non-remittance of funds by some Partner States, the Community continues to make unrealistic budgets with most of the programs remaining unimplemented at end of each financial year.

- (v) Whereas the Committee was informed that the Council of Ministers embarked on drafting a schedule of sanctions against non-compliant Partner States in 2020, this exercise is taking long to finalise.

The Committee recommends that the Assembly urges the Council of Ministers to expedite the finalisation of a schedule of sanctions against Partner States that fail to honour their obligations to the Community.

- (vi) It was further noted that the EAC Budget for FY 2022/2023 registered a low outturn due to delayed or non-remittance of funds by some Partner States and Development Partners. In particular, remittance of funds from the Partner States stood at 57% as at 30th March 2023. As a result, most planned programs/activities were not implemented.

(vii) There is persistent dependence on donor-funding which undermines the sustainability of the EAC integration. The Committee noted that our strategic programmes under Customs and Trade, Statistics, Productive and Social Sectors will receive about 85% of their funding from development partners in financial year 2023/24. This calls for the fasttracking of the finalisation of the sustainable financing mechanism.

(viii) A review of the budget estimates further revealed that all the planned resource mobilisation initiatives in financial year 2023/24 are geared towards meeting with, either potential development partners or existing ones outside the Community. There is not even a single planned initiative to mobilise resources within the Partner States. There is need to come up with a clear mechanism of mobilising funds from the Partner States.

(ix) The Committee observed that most of the programmes/activities under the Peace and Security department are funded by development partners. Peace and security has been acknowledged as critical to creation of the right environment upon which regional integration in all aspects can be fostered. Given the strategic importance of this sector, the Council of Ministers should ensure that this department is allocated enough funds from Partner States contributions.

(x) It was also noted that the Productive and Social Sectors are perpetually under-funded yet it is recognised that the sub-sectors like agriculture, food security and rural development, industrialization and energy are vital to the sustainable development of the region. There is need to increase funding for these sectors.

9.0 OTHER SPECIFIC RECOMMENDATIONS

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

1. In accordance with Article 49(2)(b) and 132(5) and Section 4 of the EAC Budget Act, the Assembly approves the reallocation of funds within, from and to the various Organs and Institutions of the Community to implement programs/activities as indicated in **Annex 1** of this report. It is important to note that the reallocation schedule in Annex 1

agreed upon with the Chair Council and the Secretary General in a meeting held on 21st June 2023.

2. The Assembly approves the allocation of a total sum of **USD 103,757,584** to the Organs and Institutions of the Community for the implementation of various programs and activities in the in financial year 2023/24 as indicated below:

Table 5: Allocation of Funds in the EAC Budget for the FY 2023/24

Vote	Organ/Institution of EAC	Amount in USD
001	EAC – Secretariat	50,261,996
002	East African Court of Justice	4,450,488
003	East African Legislative Assembly	18,278,826
004	Lake Victoria Basin Commission	8,458,780
005	Inter-University Council for East Africa	12,394,945
006	Lake Victoria Fisheries Organisation	2,807,993
007	East African Science and Technology Commission	2,016,543
008	East African Kiswahili Commission	1,502,535
009	East African Health Research Commission	2,193,811
010	East African Competition Authority	1,391,667
	Total	103,757,584

3. The Assembly effects the changes in the above specific recommendations No.1, No.2 during the Committee of Supply and the Second Reading of the EAC Appropriation Bill, 2023, (Bill Committee Stage).

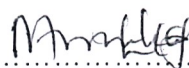
4. The Assembly directs the Clerk of the Assembly to transmit to the Secretary General within twenty-four hours after the approval of the Appropriation Bill, a schedule of reallocations for appropriate adjustments in the EAC Budget Management System.
5. The Assembly directs the Clerk of the Assembly to transmit copies of this report to all the Heads of Organs and Institutions.
6. The Assembly directs the Secretary General to:

 - (i) make appropriate adjustments in the EAC Budget Management System to accommodate the reallocations as appropriated by the august House.
 - (ii) submit and lay before the Assembly the final signed copy of the approved budget at the first sitting of the of the Assembly in FY 2023/24.
7. The Assembly adopts the Committee report and approves the EAC Appropriation Bill, 2023 with the above amendments.

Mr. Speaker Sir, I beg to report.

REPORT OF THE COMMITTEE OF GENERAL PURPOSE ON THE EAC BUDGET
ESTIMATES FOR REVENUE AND EXPENDITURE FOR FY 2023-2024

1. Hon. Kennedy Mukulia Ayason



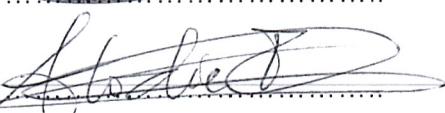
2. Hon. Aboubakar A. Kachwamba



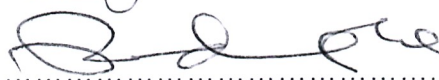
3. Hon. Alex Bahati



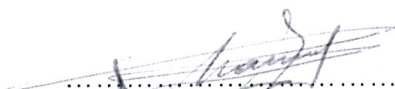
4. Hon. Alodie Iradukunda



5. Hon. Amb. Fatuma Ndangiza



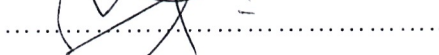
6. Hon. Anastase Manirambona



7. Hon. Dennis Namara



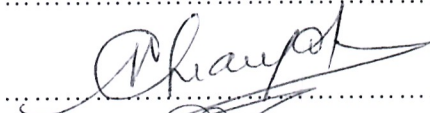
8. Hon. Dr. Abdullah Makame



9. Hon. Dr. Saidi Kibeya



10. Hon. Francois M. Ngate



11. Hon. Gai Deng Nhial



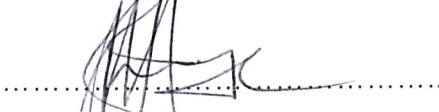
12. Hon. Godfrey Maina Mwangi



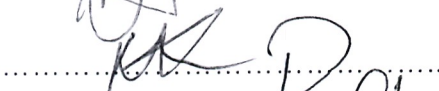
13. Hon. Jeremie Maswama



14. Hon. Kanini Kega



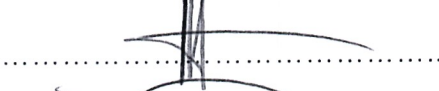
15. Hon. Khalfan Ngole Mashaka



16. Hon. Kim Gai



17. Hon. Paul Mwasa Musamali



18. Hon. Rose Akol Okullu



19. Hon. Stella Nyota Mwetaminwa

.....

20. Hon. Victor Burikukiye

.....

21. Hon. Winnie I. Odinga

.....



Annex 1

SCHEDULE FOR REALLOCATION

(i) FROM ORGAN/INSTITUTION TO ORGAN

SN	ACTIVITY DESCRIPTION	REALLOCATED FROM	AMOUNT IN USD	JUSTIFICATION	REALLOCATED TO
1.	To attend coordination meetings with regional and continental partners (RECS, AUC, IGAD, AfCFTA) Page 10-11 detailed MTEF.	Cost 0110101 center: SGs Office	Amount in the budget: 63,750 Amount to be reallocated: 16,500	There is a mis-match between the number of days and the tickets provide for the SG? The number of DSA days are 15 while the tickets are 20. Need to reallocate business class air tickets 16,500 that cover for 15 tickets.	EAST AFRICAN LEGISLATIVE ASSEMBLY Additional funding for Committee activities for oversight, public hearing and legislative work:
2.	Convene an annual EAC Secretary General's Forum for Civil Society, Private Sector and other interest groups Pg.14 detailed MTEF	Cost 0110101 center: SG's Office	Amount in the budget: 51,100 Amount to be reallocated: 51,100	This is an annual event and funds were appropriated for the same in the supplementary budget that was passed on 15 th June 2023.	USD 597,461
3.	Convene one (1) Annual town Hall Engagement Forum to be attended by EAC Organs, Institutions, MEACAs, EALA, EACJ and 1 (one) Regional Media Editors Forum in Arusha Page 16 detailed MTEF.	Cost 0110101 center: SG's Office	Amount in the budget: 62,100 Amount to be reallocated: 31,000	It should be held in Arusha immediately after the pre-budget conference to cut the cost of air tickets and DSAs for Secretariat staff.	

4.	To coordinate and represent EAC in high level donor engagements Page 65, 67 & 69 of the detailed MTEF.	Cost center: 011020 DSG Customs, Trade and Monetary Affairs Office Cost center: 0110202 DSG Customs, Infrastructure, Productive, Social Office Cost center: 0110203 Director General, Corporate Services Office	Amount in the budget: 22,800 Amount to be reallocated: 22,800	This activity is a duplication because the same activities are budgeted for under under the Office of the SG. It is the SG who is mandated to do resource mobilisation.	
5.	Review and update job descriptions manual Page 72 detailed MTEF	Cost center: 0120101 Human Resource & development	Amount in the budget: 98,020 Amount to be reallocated: 68,000	The participants in this activity are the technical heads of organs and institution who draw facilitation from their own Votes. The activity therefore can be done virtually or in Arusha to save on costs for DSA and Air tickets.	
6.	To facilitate staff recruitment process and relocation Page 81 detailed MTEF	Cost center: 0120101 Human Resource & Development	Amount in the budget: 294,000 Amount to be reallocated: 147,000	Funds were appropriated for the same activity in the Supplementary budget approved on 15th June 2023.	

7.	Ensure the EAC mails and parcels are delivered effectively Page 97 detailed MTEF	Cost 0120107 Management Information	center:	Amount in the budget: 90,724 Amount to be reallocated: 45,362	Some mails should be sent electronically where applicable.
8.	Facilitate Meetings of the Audit and Risk Committee and EALA Accounts on Page 114 detailed MTEF	Cost 0120201 Accounts	center:	Amount in the budget: 50,600 Amount to be reallocated: 50,600	This activity is already budgeted for on page 28-30 of the detailed MTEF. The said officers have never attended EALA's Accounts Committee meetings. The budget for the Audit Commission and related activities is domiciled under EALA and is provided for in the budget.
9.	To procure bags for EALA Budget approval and Budget Office equipment and Accounts Department desktops and laptops Page 124 detailed MTEF	Cost 0120202 Budget Office	center:	Amount in the budget: 34,400 Amount to be reallocated: 34,399	There is no need to buy budget bags every financial year. There is a budget for procurement of desktops and laptops under the ICT department in the Secretariat.
10.	To conduct impact assessment of the previous development strategies. To conduct a mid-term review of the 6 th Development Strategy Page 149 detailed MTEF	Cost 0130102 Monitoring and Evaluation	center:	Amount in the budget: 270,900 Amount to be reallocated: 117,500	There is duplication of activities. The formulation of the 6 th EAC Dev't Strategy was preceded by assessment of the previous EAC development strategies. The activity should be undertaken using USD 153,400

11.	Conduct internal audit reviews and inspections for donor funded projects and programmes for assurance and advisory services (Donors) Page 748 detailed MTEF	Cost center: 0411400 Internal (LVBC) Audit	Amount in the budget: 13,200 Amount to be reallocated: 13,200	The activities to be audited under this programme are donor funded. The financing agreement usually provides for audit of such activities.	
	TOTAL		597,461		
Note:					
1. Under the EAC Secretariat there is a budget of USD 170,592 to pay office rent at the Arusha International Conference Center (AICC). The space being rented is too big for a few staff. It was agreed that only USD 85,296 be approved for rent for 6 months to allow the staff relocate to the EAC Headquarter building. A balance of USD 85,296 will go to the General Reserve.					
(ii) REALLOCATION WITHIN ORGAN/INSTITUTION					
	Organ/Institution	Programme from which to reallocate	Amount in USD	Justification	Organ/Institution & Programme/activity to be funded
12.	EAC Secretariat	Cost center: 0120105 Estates Management Payment of Insurance of Fidelity and Cash in Transit Page 95 detailed MTEF.	Amount in the budget: 16,000 Amount to be reallocated: 16,000	The budget provides for a sum of USD 11,000 for the same activity under the Accounts department on page 115 of the detailed MTEF	EAC Secretariat (Gender & Community Development Department) To convene multisectoral meeting to incorporate the policy aspects of the DRC in the strategic plan for Gender, Youth, children, Persons with Disabilities, Social Protection, Community Development and Civil Society Mobilization

13.	EACJ	To validate the draft EACJ strategic plan for the FY 2023-2028 Page 590 detailed MTEF.	Amount in the budget: 76,560 Amount to be reallocated: 76,560	This should be done virtually.	To provide additional resources to convene ten additional sittings of EACJ to clear case backlog USD 102,410
		To attend Commonwealth Meetings Pages 580 – 584 detailed MTEF.	Amount in the budget: 31,900 Amount to be reallocated: 25,850	The activity is not very critical to the enhancement of the EACJ mandate.	
14.	East African Legislative Assembly	To facilitate staff to attend Plenary sessions and Committee Meetings in Partner States Page 661 detailed MTEF.	Amount in the budget: 364,500 Amount to be reallocated: 116,900	Whereas Members of the Assembly were paid their arrears, staff were not. This is a long outstanding obligation.	To settle the outstanding arrears for staff of the Assembly for facilitating the Assembly and its committees in March 2020 – November 2020.
15.	East African Science and Technology Commission	Grant three multidisciplinary collaborative research and development projects Page 1107 detailed MTEF.	Amount in the budget: 120,000 Amount to be reallocated: 120,000	The appropriate instruments to guide the implementation are yet to be developed. The EAC Regional Youth Innovation and Entrepreneurship Skills Development Programme is a very critical activity which is unfunded and yet it is very core to the mandate of EASTECO.	All the USD 120,000 should be reallocated to implement The EAC Regional Youth Innovation and Entrepreneurship Skills Development Programme (Refer to the detailed activities in the report).

Tabled 4/4/23
H



EAST AFRICAN COMMUNITY

**FINANCIAL STATEMENT FOR THE 2ND
SUPPLEMENTARY BUDGET
FOR THE FINANCIAL YEAR 2022/2023**

**1. STATEMENT OF SUPPLEMENTARY REVENUE FOR
THE FINANCIAL YEAR 2022/2023**

SOURCE OF REVENUE	FY 2022/2023
Partner States contributions	7,996,343
EAC- General Reserve Fund	1,774,147
LVFO- Reserve Fund	104,000
Special Contribution from Republic of Uganda	61,080
Development Partners	6,472,475
Total	16,408,045

2. STATEMENT OF SUPPLEMENTARY EXPENDITURE FOR THE FINANCIAL YEAR 2022/2023

Vote number	Organ/Institution	FY'2022/2023
		Amount in USD
001	EAC Secretariat	5,505,351
002	East African Court of Justice (EACJ)	733,973
003	East African Legislative Assembly (EALA)	2,662,940
004	Lake Victoria Basin Commission (LVBC)	1,607,256
005	Inter-University Council for East African (IUCEA)	3,512,729
006	Lake Victoria Fisheries Organization (LVFO)	1,036,291
007	East African Science and Technology Commission (EASTCO)	419,876
008	East African Kiswahili Commission (EAKC)	252,037
009	East African Health Research Commission (EAHRC)	444,469
010	East African Competition Authority (EACA)	233,123
	TOTAL	16,408,045

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



P.O. Box 1096
ARUSHA, TANZANIA

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EAC Headquarters

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**SUPPLEMENTARY BUDGET OF THE EAST AFRICAN COMMUNITY ORGANS AND
INSTITUTIONS FOR THE FINANCIAL YEAR 2022/2023**

Supplementary No1. and No. 2 combined for the FY2022/2023
Schedule of Votes per Organ and Institution as approved by the Assembly
on 15th June, 2023

VOTE	ORGAN OR INSTITUTION OF THE COMMUNITY	AMOUNT IN US-DOLLARS
001	EAC Secretariat	2,965,416
002	East African Court of Justice (EACJ)	287,106
003	East African Legislative Assembly (EALA)	3,069,870
004	Lake Victoria Basin Commission (LVBC)	1,117,858
005	The Inter-University Council for East Africa (IUCEA)	2,868,510
006	Lake Victoria Fisheries Organization (LVFO)	1,036,291
007	The East African Science and Technology Commission (EASTECO)	134,000
008	East African Kiswahili Commission (EAKC)	165,703
009	East African Health Research Commission (EAHRC)	134,425
010	East African Competition Authority (EACA)	125,150
///	TOTAL	11,904,329

THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

No. 2

24th March, 2023.

to the East African Community Gazette No. 5 of 24th March, 2023.

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



THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION BILL, 2023

MEMORANDUM

The object of this Bill is to appropriate a sum of United States Dollars Sixteen Million, Four Hundred and Eight Thousand, and Forty Three out of the budget of the Community to meet additional expenditure for the Organs and Institutions of the Community for the financial year ending 30th June, 2023.

HON. AMB. DR. EZECHIEL NIBIGIRA
Chairperson
Council of Ministers

East African Community Supplementary Appropriation Bill, 2023

THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Supplementary appropriation for financial year ending 30th
June, 2023

East African Community Supplementary Appropriation Bill, 2023

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION ACT, 2023**

An Act of the Community to appropriate a sum of United States Dollars sixteen million, four hundred and eight thousand, forty-five out of the budget of the Community to meet additional expenditure for the Organs and Institutions of the Community for the financial year ending 30th June, 2023.

ENACTED by the East African Community and assented to by the Heads of State.

1. This Act may be cited as the East African Community Supplementary Appropriation Act, 2023 and shall be deemed to have come into force on the 1st day of July, 2022. Short title and Commencement.
2. The sum of United States Dollars sixteen million, four hundred and eight thousand, forty-five is allowed out of the budget of the Community to meet additional expenditure for the Organs and Institutions of the Community, as specified in the Schedule, for the financial year ending 30th June, 2023. Supplementary appropriation for financial year ending 30th June, 2023.

East African Community Supplementary Appropriation Bill, 2023

SCHEDULE

s.2

SUPPLEMENTARY APPROPRIATION FOR SPECIFIC
ORGANS AND INSTITUTIONS OF THE COMMUNITY FOR
FINANCIAL YEAR ENDING 30TH JUNE, 2023

Vote	Organ or Institution of the Community	Amount in US Dollars
001	EAC Secretariat	5,505,351
002	East African Court of Justice (EACJ)	733,973
003	East African Legislative Assembly (EALA)	2,662,940
004	Lake Victoria Basin Commission (LVBC)	1,607,256
005	Inter-University Council for East African (IUCEA)	3,512,729
006	Lake Victoria Fisheries Organization (LVFO)	1,036,291
007	East African Science and Technology Commission (EASTCO)	419,876
008	East African Kiswahili Commission (EAKC)	252,037
009	East African Health Research Commission (EAHRC)	444,469
010	East African Competition Authority (EACA)	233,123
	TOTAL	16,408,045

THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

No. 4

19th May, 2023.

to the East African Community Gazette No. 9 of 19th May, 2023.

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



THE EAST AFRICAN COMMUNITY

SUPPLEMENTARY APPROPRIATION (No. 2) BILL, 2023

MEMORANDUM

The object of this Bill is to appropriate a supplementary sum of United States Dollars seven hundred and seventy-one thousand, eight hundred and seventy-two out of the budget of the Community to meet additional expenditure for the organs and institutions of the Community for the financial year ending 30th June, 2023.

HON. AMB. DR. EZÉCHIEL NIBIGIRA

*Chairperson
Council of Ministers.*

East African Community Supplementary Appropriation (No. 2) Bill, 2023

THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION (No. 2) BILL, 2023

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Supplementary appropriation for financial year ending 30th
June, 2023

East African Community Supplementary Appropriation (No. 2) Bill, 2023

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION
(No. 2) ACT, 2023**

An Act of the Community to appropriate a supplementary sum of United States Dollars seven hundred and seventy-one thousand, eight hundred and seventy-two out of the budget of the Community to meet additional expenditure for the specified organs and institutions of the Community for the financial year ending 30th June, 2023.

ENACTED by the East African Community and assented to by the Heads of State.

1. This Act may be cited as the East African Community Supplementary Appropriation (No. 2) Act, 2023 and shall be deemed to have come into force on the 1st day of July, 2022.

Short
title and
Commence-
ment.

2. The sum of United States Dollars seven hundred and seventy-one thousand, eight hundred and seventy-two is allowed out of the budget of the Community to meet additional expenditure for the organs and institutions of the Community, as specified in the Schedule, for the financial year ending 30th June, 2023.

Supple-
mentary appro-
priation for
financial
year ending
30th June,
2023.

East African Community Supplementary Appropriation (No. 2) Bill, 2023

SCHEDULE

s.2

SUPPLEMENTARY APPROPRIATION FOR SPECIFIC
ORGANS AND INSTITUTIONS OF THE COMMUNITY FOR
FINANCIAL YEAR ENDING 30TH JUNE, 2023

Vote	Organ or Institution of the Community	Amount in US Dollars
001	EAC Secretariat	318,221
003	East African Legislative Assembly (EALA)	322,194
006	Lake Victoria Fisheries Organization (LVFO)	131,457
	TOTAL	771,872

Organ / Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
	To support conclusion of project activities Responsible Fisheries Business Chain project	GIZ-RFBC	26,326	Page147
	To implement the LVFO Co-Management Project .activities pages 167	University of Birmingham	22,476	Page167
	To implement LVFO FAO Tenure and User Rights activities	FAO	98, 162	Page168-170
	To implement LVFO TRUEFISH Project activities	FAO	33, 295	Page170-172
	To implement LVFO EEOFISH Project activities	European Union through the Indian Ocean Commission (IOC)	383,489	Page172-177
	Total –LVFO Development Partners fund		932,291	
Total-LVFO			1,036,291	
TOTAL			8,411,700	
GRAND	Total Supplementary		16,408,045	

Attached hereto, please find the adopted supplementary budget as referred to by the Council of Ministers to the East African Legislative Assembly (EALA) for debate and approval.

The purpose of this letter is to request you to include this matter on the agenda of the EALA Committee Meeting on General Purpose and to be an item on the Programme of the East African Legislative Assembly Plenary.



Eng. Steven Mlote
Deputy Secretary General
(Finance and Administration)
For: SECRETARY GENERAL

Encls:

EAST AFRICAN COMMUNITY SECRETARIAT



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Our Ref: F&A 1/7/5
Date: 27th April 2023

The Clerk
East African Legislative Assembly (EALA)
P.O. Box 1096
Arusha, Tanzania

Dear Clerk,

**RE: SUBMISSION OF THE SUPPLEMENTARY BUDGET FOR FINANCIAL
YEAR 2022/20223**

I have the honor to inform you that, at its 48th Extra Ordinary Meeting, the Council of Ministers considered and adopted the EAC Supplementary Budget amounting to USD 771,872 in addition to the USD16,408,045 adopted by the 43rd Ordinary Meeting of Council and referred the same to the Assembly for debate and approval.

These are the second and third supplement budgets to the East African Appropriation Bill for the Financial Year 2022/23 passed by the East African Legislative Assembly in June 2022 amounting to USD91,579,215 (*United States Dollars Ninety-One Million, Five Hundred and Seventy-Nine Thousand, Two Hundred and fifteen only*). The 1st supplementary appropriation bill amounting to USD2,620,800 (*United States Dollars Two Million, Six Hundred And Twenty, Eight Hundred only*) was passed by the Assembly in November 2022.

These additional funds approved by the Council of the Ministers are from the General Reserve fund to fund urgent projects and programmes of the Community within the current financial year which cannot wait for the next budgeting cycle.

The funds are summarized in the following votes, to implement the Projects and Programmes as listed in the tables below;

Projects and Programmes funded by Supplementary Budget from General Reserve and Development Partners in the Financial Year 2022/2023

Organ/ Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
EAC- Secretariat	To facilitate the verification mission and report writing towards the Admission of the	General Reserve	318,221	

Organ/ Institution	Project/Programme	Funding Source	Amount in USD	Page, Council report
	into the EAC meeting			Ordinary Meeting of Council
Total-EAC-Secretariat			318,221	
East African Legislative Assembly	To clear the costs incurred during the inauguration of the 5 th Assembly and the induction for new Members	General Reserve	322,194	Page12-15 of48 th Extra Ordinary Meeting of Council
Total-EALA			322,194	
Lake Victoria Fisheries Organization	To implement LVFO FAO Tenure and User Rights activities	FAO	98, 162	Page168- 170 of the 43 rd Ordinary Council Report
	To implement LVFO TRUEFISH Project activities	FAO	33, 295	Page170- 172 of the 43 rd Ordinary Council Report
Total-LVFO			131,457	
GRAND	Total third Supplementary		771,872	

Attached hereto, please find the adopted supplementary budget as referred to by the Council of Ministers to the East African Legislative Assembly (EALA) for debate and approval.

The purpose of this letter is to request you to include this matter on the agenda of the EALA Committee on General Purpose and to be an item on the Programme of the East African Legislative Assembly Plenary.

Juvenal Ndimurirwa
Director of Finance
For: **SECRETARY GENERAL**

Encl

EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY



INTERNAL MEMO

Ref : EALA/MEM/11
To : Secretary General
Attn : Director Finance
Cc : Rt. Hon. Speaker; CLA: All EAC Heads of Organs and Institutions
From : Chairperson, Committee on General Purpose
Date : May 23, 2023
RE : REQUEST FOR INFORMATION

As you may be aware, the Committee on General Purpose is currently in Arusha, considering the Supplementary Budget that was tabled before the Assembly on the 29th March 2023 in Bujumbura, Burundi.

In accordance with the provisions of Section 4 (5) of the EAC Budget Act 2008, the Committee on General Purpose requests you to furnish it with the following information:

- (i) The status of the EAC General Reserve Account as at 23rd May 2023;
- (ii) A schedule of activities/programmes of the Community on which funds requested for under the Supplementary Budget have already been expended clearly indicating when the said activities were undertaken; and
- (iii) Proof of expenditure of the funds in (ii) above.

Kindly provide this information by not later than Wednesday 24th May 2023.

Hon. Kennedy Mukulia

ANNEX 4

Table: Programmes/Activities already implemented using DRC contributions (commitments already made)

Organ/ Institution	Programme/Activity	Amount in USD
	Hold quarterly meetings of EAC Chiefs of Defence forces /staff on the EACRF Deployment in Eastern DRC and emergency meetings	38,600
	To undertake a sensitization mission to FARDC Headquarters	19,250
EAC Secretariat	To convene an extraordinary sectoral council on legal and judicial and drafts person meetings to clear backlogs	65,050
	SUB-TOTAL	122,900
East African Court of Justice	To convene the EACJ meeting of the Rules of Procedures Committee to review the Rules of the Court in view of the changing environment	25,880
	To pay judges' salaries and allowances on a monthly basis	9,756
	To hold court session of the first instance division	151,470
	SUB-TOTAL	187,106
East African Legislative Assembly	To facilitate the EAC Speakers Bureau in accordance with Articles 49 and 65 of the EAC Treaty (Functional Relationship to strengthen the DRC Parliament on EALA/EAC - matters)	51,425
	To facilitate the General-Purpose Committee to consider the Supplementary Budgets	107,810
	To facilitate EALA special plenary sessions of the 5th Assembly	277,880
	To replace IT equipment for staff	10,000
	To facilitate members to carry out capacity building for committees on legislation, Petitions, carryout oversight, and public hearings.	443,940
	To facilitate the Audit Commission Members to participate in Consideration of Audited Accounts by EALA.	48,320
	To facilitate 9 EALA Members from DRC by way of personal emoluments from December 2022 - June 2023.	567,423
	To facilitate Members with ICT Equipment, Office Space refurbishment of the Chamber service of the EALA.	30,000

	To facilitate 9 elected Members from DRC to participate in the EALA inauguration of the 5th Assembly in December 2022 - accompanied.	40,290
	To facilitate 9 elected Members from DRC Members to participate in the EALA Special Sitting of January 2023 and the general induction of Members, setting up of EALA committees, and mid-term review of the legislative calendar	50,202
	To facilitate DRC Members to participate in the EALA scheduled plenaries	293,190
	To facilitate Members with ICT Equipment, office space refurbishment of the Chamber Service of the EALA	30,000
	To procure install upgrade and commission translation and interpretation equipment and services in the EALA Chamber and Committees; publish key legal programmes	30,000
	SUB-TOTAL	1,980,480
East African Kiswahili Commission	Stakeholder engagement for sensitization and training for data collection for the baseline study on the development and Kiswahili in DRC	28,500
	Hold stakeholders meeting on the translated EAC Treaty	38,600
	Hold 2 nd Kiswahili conference on 29th June – 1 st July 2023	33,800
	Celebrate the 2 nd Kiswahili World Day on 7 th July 2023	26,800
	SUB-TOTAL	127,700
East African Competitions Authority	Conduct capacity building for government officials on Authority legal instruments and policies to facilitate implementation of the EAC Competition Act, Tripartite, and AfCFTA negotiations on Competition Policy.	13,150
	To conduct two multi-sectoral stakeholder's sensitization meetings on obligations and benefits of implementation of the EAC Competition Act, Tripartite, and AfCFTA Competition Protocols.	22,200
	To conduct consultations/negotiations and bilateral meetings with DRC Competition Commission to conclude an MOU and integrate them into the Authority activities	9,700
	Convene an experts' meeting to consider and draft EAC Competition Restraints by Enterprise Regulations and Guidelines.	4,500
	To investigate and assess anti-competitive business practices with cross border effects (unilateral and concerted conduct and abuse of dominance) in the common markets	11,000
	SUB-TOTAL	60,550
TOTAL		2,478,736

Annex 5

A SCHEDULE FOR RATIONALISATION/REALLOCATION OF FUNDS UNDER THE SECOND SUPPLEMENTARY BUDGET FOR FY 2022/2023

SN	ORGAN/INSTITUTION TO REALLOCATE FUNDS FROM	PROGRAMME/ ACTIVITY	FUNDING SOURCE	AMOUNT IS USD	PAGE OF THE 43 RD ORDINARY MEETING OF THE COUNCIL REPORT	ORGAN/INSTITUTION TO ALLOCATE FUNDS TO
1.	East African Legislative Assembly	To replace IT equipment for staff	Partner States	77,000		East African Legislative Assembly 1. To facilitate the inaugural outreach of the EAC region to appreciate the level of integration (Customs Union, Common Market Protocol, EAC Institutions and facilities) USD798,950
		To procure, install, upgrade and commission translation and interpretation equipment and services in the EALA Chamber and committees; and publish key legal instruments	Partner States	362,310		
		To facilitate the DRC Members of the Audit Commission to participate in Audit Commission activities and verification and on-spot follow-up of EAC Projects and Programmes	Partner States	33,150		
		To facilitate the DRC SAI and team to participate in Audit activities and the verification of EAC projects	Partner States	33,150		
		To facilitate Members with ICT Equipment in offices	Partner States	50,000		

2.	Inter-University Council for East Africa	To procure/equip translation room; translate documents and provide interpretation and translation services	Partner States	242,900		2. To facilitate the consideration of the Supplementary Budget and the EAC Budget for 2023/2024 USD164,030
3.	East African Community Secretariat	To facilitate meetings of Permanent Secretaries on Institutional review	General Reserve	90,670	88-89	
		To facilitate recruitment process for various vacant positions	General Reserve	73,360	86-88	
	TOTAL			962,540		

ANNEX 6

SCHEDULE OF AMENDMENTS TO THE EAC SUPPLEMENTARY APPROPRIATION BILL, 2023

Clause	Proposed amendment	Justification																											
2	The Clause be amended to read as follows: <i>"The sum of United States Dollars eleven million, nine hundred and four thousand, three hundred and twenty-nine is allowed out of the budget of the Community to meet additional expenditure for the Organs and Institutions of the Community, as specified in the Schedule, for the financial year ending 30th June 2023"</i>	To give effect to the funds voted to the various Organs and Institutions during the Committee of Supply																											
The Schedule	The schedule be amended as indicated below: <table border="1"> <thead> <tr> <th>Vote</th><th>Organ/Institution of EAC</th><th>Amount in USD</th></tr> </thead> <tbody> <tr> <td>001</td><td>EAC – Secretariat</td><td>2,965,416</td></tr> <tr> <td>002</td><td>East African Court of Justice</td><td>287,106</td></tr> <tr> <td>003</td><td>East African Legislative Assembly</td><td>3,069,870</td></tr> <tr> <td>004</td><td>Lake Victoria Basin Commission</td><td>1,117,858</td></tr> <tr> <td>005</td><td>Inter-University Council for East Africa</td><td>2,868,510</td></tr> <tr> <td>006</td><td>Lake Victoria Fisheries Organisation</td><td>1,036,291</td></tr> <tr> <td>007</td><td>East African Science and Technology Commission</td><td>134,000</td></tr> <tr> <td>008</td><td>East African Kiswahili Commission</td><td>165,703</td></tr> </tbody> </table>	Vote	Organ/Institution of EAC	Amount in USD	001	EAC – Secretariat	2,965,416	002	East African Court of Justice	287,106	003	East African Legislative Assembly	3,069,870	004	Lake Victoria Basin Commission	1,117,858	005	Inter-University Council for East Africa	2,868,510	006	Lake Victoria Fisheries Organisation	1,036,291	007	East African Science and Technology Commission	134,000	008	East African Kiswahili Commission	165,703	To give effect to the specific recommendations No.1, No.2 and No.3 of the Report of the Committee on this supplementary budget
Vote	Organ/Institution of EAC	Amount in USD																											
001	EAC – Secretariat	2,965,416																											
002	East African Court of Justice	287,106																											
003	East African Legislative Assembly	3,069,870																											
004	Lake Victoria Basin Commission	1,117,858																											
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007	East African Science and Technology Commission	134,000																											
008	East African Kiswahili Commission	165,703																											

	009	East African Health Research Commission	134,425	
	010	East African Competition Authority	125,150	
		Total	11,904,329	

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



Tabled 4/4/23
HA

COMMITTEE ON LEGAL, RULES AND PRIVILEGES

**REPORT OF THE OVERSIGHT ACTIVITY ON THE IMPLEMENTATION OF
THE PROTOCOLS AND LAWS
GOVERNING EAC INSTITUTIONS**

DAR ES SALAAM

5-8 MARCH 2023

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

April 2023

LIST OF ACRONYMS

AFCAC	African Civil Aviation Commission
BAGASOO	Banjul Accord Group Aviation Safety Oversight Organization
CAK	Competition Authority of Kenya
CASSOA	Civil Aviation Safety and Security Oversight Agency
CCASAP	Climate Change Adaptation Strategy and Action Plan
CHEMS	Commonwealth Higher Education Management Services
COMESA	Common Market for Eastern and Southern Africa
CIFA	Committee for the Inland Fisheries of Africa
CTC	Council to the Community
EABC	East African Business Council
EAC	East African Community
EACA	East African Community Competition Authority
EADB	East African Development Bank
EAFRO	East African Fisheries Research Organization
EAFFRO	East African Freshwater Fisheries Organization
EAHRC	East African Community Health Research Commission
EAJSTI	East African Journal on Science, Technology and Innovation
EAKC	East African Community Kiswahili Commission
EALA	East African Legislative Assembly
EASTECO	East African Community Science and Technology
EAQFHE	East African Qualifications Framework for Higher Education
FAO	Food and Agriculture Organization
FASCoM	Fisheries and Aquaculture Sectoral Council
FCC	Fair Competition Commission
GIZ	German Agency for International Cooperation
ICAO	International Civil Aviation Organization
ICIPE	International Centre of Insect Physiology and Ecology
ICT	Information and Communication Technology
ITD	International Tax Dialogue
IWRMP	Integrated Water Resources Management Plan
IUC	University Committee
IUCEA	Inter-University Council of East Africa
KEPSA	Kenya Private Sector Alliance
KIRDO	King Island Regional Development Organisation
LVBC	Lake Victoria Basin Commission
LVFO	Lake Victoria Fisheries Organisation
LVFS	Lake Victoria Fisheries Service
MDAs	Ministries, Departments, and Agencies
NIRDA	National Industrial Research and Development Agency
PSFR	Public Sector Funds Recovery
PSFU	Private Sector Foundation Uganda
R&D	Research & Development
RFMO	Regional Fisheries Management Organization
RICA	Rwanda Inspectorate, Competition and Consumer Protection Authority
RSS	Republic of South Sudan

RTOs	Research & Development Organizations
SADC	Southern African Development Community
SMEs	Small Medium Enterprises
STI	Science, Technology and Innovation
TIRDO	Tanzania Industrial Research and Development Organization
TPSF	Tanzania Private Sector Foundation
TRA	Tanzania Revenue Authority
TVET	Technical and Vocational Education and Training
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNEP	United Nation Environment Programme
VAT	Value Added Tax

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1.0 INTRODUCTION

Article 9 (2) of the Treaty for the Establishment of the East African Community empowers the Summit of Heads of State to establish institutions of the Community. The institutions of the EAC are:

- i. The East African Development Bank (EADB);
- ii. The Lake Victoria Fisheries Organisation (LVFO);
- iii. The Lake Victoria Basin Commission (LVBC);
- iv. The Civil Aviation Safety and Security Oversight Agency (CASSOA);
- v. The Inter-University Council of East Africa (IUCEA);
- vi. The East African Community Health Research Commission (EAHRC);
- vii. The East African Community Science and Technology (EASTECO);
- viii. The East African Community Kiswahili Commission (EAKC); and
- ix. The East African Community Competition Authority (EACA).

Partner States, organs, institutions and other stakeholders are required to comply with and implement the legal instruments governing the institutions. It is against this background that the Committee on Legal, Rules and Privileges undertook the Oversight Activity to assess the implementation of the Treaty, Protocols, Conventions, Agreements, Laws and Regulations governing the operations of the EAC institutions.

2.0 OBJECTIVES

The main objective of this activity was to assess the implementation of the Treaty, Protocols and Laws of the Community and other legal instruments establishing and supporting the function of the institutions. The specific objectives included the following:

- i. To understand the existing legal instruments governing the EAC institutions;
- ii. To assess the implementation of the legal instruments by the respective institutions and stakeholders;
- iii. To assess the challenges faced by the institutions in the implementation of the legal instruments;

- iv. To propose amendment to protocols and laws of the Community governing the institutions; and
- v. To assess the status, privileges and immunities accorded to the EAC institutions by the Partner States.

3.0 METHODOLOGY

The Committee undertook this activity by conducting interactive meeting with the heads of institution. In order to cover all the institutions within the short time provided, the activity took place in Dar es Salaam, United Republic of Tanzania. All the institutions attended the activity except the East African Development Bank (EADB). Institutions were requested to provide the following information:

- i. Establishment of the Institution;
- ii. The legal instruments governing the institution;
- iii. Key stakeholders and how they work with them;
- iv. How the protocols and laws governing the institution are implemented by all key stakeholders;
- v. Challenges facing the institution in the implementation of the protocols and laws;
- vi. Areas that require review or amendment in the existing legal instruments and the action taken by the institution; and
- vii. Matters relating to the status, privileges and immunities of the institution and staff working with the institution.

4.0 INFORMATION FROM THE INSTITUTIONS

4.1 THE EAST AFRICAN KISWAHILI COMMISSION (EAKC)

4.1.1 Establishment of the EAKC

The East African Kiswahili Commission (EAKC) was established by the Protocol for the Establishment of Kiswahili Commission. It started its operations in 2015. The headquarters of EAKC is located in Zanzibar, United Republic of Tanzania. The establishment of EAKC was necessitated by Article 137 of the Treaty, which provides for the development and use of Kiswahili as lingua franca of the Community. The vision of the EAKC is to be the leading body in the promotion and coordination of the

development and usage of Kiswahili for regional unity and sustainable social-economic development in Partner States.

In accordance with the Protocol establishing the Commission, the EAKC is composed of the following representatives:

- i. Two representatives of the National Kiswahili Councils for each Partner State;
- ii. Two representatives of the Kiswahili Associations of each Partner State;
- iii. A representative of Kiswahili Research Institutions for each Partner State;
- iv. A representative of the Kiswahili Departments of the Public and Private Universities of each Partner State;
- v. A representative of the Kiswahili media operators for each Partner State;
- vi. A representative of the Media Council of each Partner State;
- vii. A representative of Kiswahili Writers Association of each Partner State;
- viii. A representative of the Ministry responsible for Kiswahili in each Partner State;
- ix. A representative of the Ministry responsible for Culture in each Partner State; and
- x. A representative of the Ministry responsible for Education in each Partner State.

4.1.2 The EAKC Headquarters' Agreement

- i. The Headquarters Agreement was signed on 8th September 2015 between EAC and Government of the United Republic of Tanzania;
- ii. The Commission has been allocated the Headquarters building free of rent;
- iii. Following the request from EAC, the Government of Zanzibar has commenced process of allocating land for the permanent headquarters of the Commission;
- iv. In line with Article 138 of the EAC Treaty, the Headquarters' Agreement provide for immunities and privileges for the Commission and its staff.

4.1.3 Functions of the EAKC

The EAKC is the principal advisory institution of the Community on all matters related to Kiswahili. Its functions are:

- i. Coordinate and oversee the work of National Kiswahili Councils and other institutions;

- ii. Strengthen collaboration in regional research and assist Partner States develop centres of advanced study and research in Kiswahili;
- iii. Create and develop collaborative relations with development partners and existing organizations with similar objectives;
- iv. Facilitate the development of regional Kiswahili policies for the exchange of staff and students in Kiswahili Institutions and monitor the effectiveness of such policies;
- v. Identify Kiswahili training needs including curriculum review, teaching methods, development of instructional materials and research;
- vi. Advocate for the use of Kiswahili as a *lingua franca* within the Community and beyond;
- vii. Encourage the use of Kiswahili in the conduct of official business and public life within the Community; and
- viii. Perform any other function for the furtherance of the objectives of the Commission.

4.1.4 Legal Instruments Governing the Operations of the EAKC

- i. The Treaty Establishing the EAC
- ii. The Protocol for the Establishment of the EAKC
- iii. The Headquarters Agreement
- iv. Relevant international conventions

4.1.5 Achievements of EAKC

- i. Establishment and operationalization of the EAKC Headquarters in Zanzibar;
- ii. Declaration of Kiswahili as official language of the EAC by the 21st Meeting of the Summit of EAC Heads of State;
- iii. Development of roadmap for implementation of Kiswahili as official language of the Community;
- iv. Conducted capacity assessment of use of Kiswahili in the EAC Partner States;
- v. Development of Programs and Manuals for Capacity Building in Partner States;

- vi. Development of the 1st Strategic Plan (2017-2022);
- vii. Translation of key documents of the Community into Kiswahili;
- viii. Development of the Draft Kiswahili Language policy;
- ix. Baseline studies on different aspects for development of Kiswahili;
- x. Awareness creation and advocacy on Kiswahili language;
- xi. Commemoration of the World Kiswahili Day.

4.1.6 Challenges Facing the EAKC

- i. Whereas the 21st Meeting of the Summit of Heads of State adopted Kiswahili as one of the official languages of the Community, the Treaty and the Protocol for the Establishment of the Kiswahili Commission are not yet amended;
- ii. The Composition of the Commission as provided for by Article 9 of the Protocol for Establishment of the Kiswahili Commission is too huge and has proved impossible to operationalize;
- iii. While the Protocol for the Establishment of the Kiswahili Commission provides for 2 Deputy Executive Secretaries, the new structure adopted by the EAC, provides for only one;
- iv. Though EAKC has tax exemptions, the exemption is only tenable from Zanzibar Revenue Board. Claims for VAT refunds from TRA have not been forthcoming;
- v. Staff entitlement to two cars while serving the Community was reduced to one car;
- vi. Inadequate staffing which impedes implementation of activities;
- vii. Inadequate funding for implementation of activities;
- viii. Inadequate capacity for resource mobilization;
- ix. Nonexistence of Governing Board delays decision-making;
- x. Delay in disbursement of funds from Partner States;
- xi. Lack of National Kiswahili Councils and National Kiswahili Policies in some Partner States.

4.1.7 Request of EAKC to EALA

The EAKC is requesting EALA to advocate for:

- i. Establishment of a Governing Board for enhanced governance and decision making;
- ii. Fast-tracking amendment of the Treaty to provide for Kiswahili as one of the Official languages of the EAC;
- iii. Fast-tracking the amendment of EAKC Protocol to address emerging issues of the Commission;
- iv. Enhanced funding to the Commission for implementation of key activities;
- v. Appointment of staff to critical positions.

4.1.8 Observations of the Committee

- i. Whereas the Summit made Kiswahili and French official languages of the EAC, the legal instruments including the Treaty are not yet amended to actualize that decision;
- ii. The Governing Board of the EAKC is yet to be established because of the need to amend the Protocol to reduce the number of Members of the Board;
- iii. The government of Zanzibar identified 10 plots of land which the Commission is requested to select one plot where the headquarters of the Commission will be constructed;
- iv. EAKC receives VAT refund from the Zanzibar Revenue Board, however no refund is received from the Tanzania Revenue Authority;
- v. The EAKC should look for alternative financing of their activities instead of relying only on the Partner State's contributions;
- vi. EAKC should put more efforts to assist Partner States to establish Kiswahili Councils;
- vii. The government of the United Republic of Tanzania reduced the number of tax-free cars from two to one for the staff of the Commission.

4.2 THE CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AUTHORITY (CASSOA)

4.2.1 Establishment and Operations of CASSOA

The East African Community Civil Aviation Safety and Security Agency (CASSOA) was established on 18th April, 2007. It started its operations on 1st June, 2007, as an autonomous self-accounting institution. The Headquarters of CASSOA is in Entebbe, Republic of Uganda. The Agency is established by the Protocol for Establishing CASSOA and the East African Community Civil Aviation Safety and Security Oversight Agency Act, 2009. The organs of CASSOA are the Board, the Secretariat, technical committees and working groups. Other legal instruments are:

- i. The Treaty for the Establishment of the East African Community;
- ii. The CASSOA Staff Rules and Regulations, 2016; and
- iii. The CASSOA Financial Rules and Regulations, 2019.

The Objectives of the Agency as stipulated by Article 4 of the Protocol are:

- i. Promote safe, secure and efficient use and development of civil aviation among Partner States;
- ii. Assist Partner States in meeting their safety and security oversight obligations;
- iii. Providing Partner States with appropriate forum and structure to discuss, plan and implement common measures required for achieving the safe and orderly development of international civil aviation.

Article 5 of the Protocol provides for the following functions of the Agency:

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

4.2.2 Key Stakeholders of CASSOA

- i. Civil Aviation Authorities of the EAC Partner States;
- ii. EAC Secretariat;
- iii. International Civil Aviation Organization (ICAO);
- iv. African Civil Aviation Commission (AFCAC);
- v. Banjul Accord Group Aviation Safety Oversight Organization (BAGASOO);
- vi. Interim SADC Aviation Safety Organization;
- vii. European Aviation Safety Agency.

4.2.3 Challenges Facing CASSOA

- i. Limited resources constrain its capacity to carry out its mandate;
- ii. The level of technical expertise and knowledge on safety oversight is limited in Partner States, which impacts on the levels of effective implementation of ICAO Standards and Recommended Practices (SARPs);
- iii. Slow pace of harmonization of regulations across Partner States; and
- iv. Different objectives, goals and modus operandi among key stakeholders makes it difficult to closely collaborate.

CASSOA submitted a proposal for the amendment of Section 30 of the CASSOA Act to facilitate the financial autonomy of the Agency. The proposal is still under consideration by stakeholders including Partner States.

4.2.4 Privileges and Immunities

The privileges and immunities accorded to CASSOA and its staff are similar to those granted to other international organizations and their staff. However, the following areas need to be considered:

- i. Proposed re-negotiation of the CASSOA Headquarters' Agreement with the Government of Uganda; and
- ii. Delay in remittance of VAT refund.

4.2.5 Observations by the Committee

- i. Liberalization of Air Space in the EAC is still under negotiation by the Partner States;
- ii. The Protocol on Privileges and Immunities is yet to be implemented although it is fully ratified;
- iii. High taxes charged by Partner States in the EAC is one of the major causes of high cost of air transport;
- iv. The EAC has few experts in the Aviation Industry which increases the costs of the aviation sector in the region;
- v. Delayed and non-remittance of VAT is one of the challenges facing CASSOA.

4.3 EAST AFRICAN COMPETITION AUTHORITY (EACA)

4.3.1 Establishment of the EACA

The East African Competition Authority (EACA) was established by Section 37 of the East African Community Competition Act, 2006 for furtherance of the commitment of Partner States to cooperate in trade liberalization and development including matters of competition as provided for under Article 75 of the Treaty. The benefits of regulating competition include:

- i. To facilitate competitive markets to promote economic efficiency, thereby generate lower prices, increase choice, quality goods, innovation and economic growth and thus enhance the welfare of consumers and the general community.
- ii. Implementation of the Customs Union and Common Market require a strong framework to regulate competition.
- iii. Strengthens the capacity of EAC to identify and articulate their interests as a block and negotiate in that context.

4.3.2 Status of enactment of Competition laws and establishment of Institutions in the EAC

Table:1 Status of enactment of Competition laws and establishment on NCA

Partner State	The Competition Law	Year enacted	Competition Authority
Burundi	Competition Act Law No. 1/06	2010	
DRC	DR Congo Competition Act	2018	DRC Competition Commission
Kenya	Competition Act	2011	Competition Authority of Kenya (CAK)
Rwanda	Law No. 36/2012 Competition and Consumer Protection	2012	Rwanda Inspectorate, Competition and Consumer Protection Authority (RICA)
RSS			
Tanzania	Fair Competition Act	2003	Fair Competition Commission (FCC)
Uganda			

Source: Presentation of EACA before the Committee

4.3.3 Legal Framework Governing EACA

- i. The Treaty for the Establishment of the EAC;
- ii. The Protocol for the Establishment of the EAC Customs Union;
- iii. The Protocol for the Establishment of the EAC Common Market;
- iv. The EAC competition Act, 2006 as amended;
- v. The Competition Regulations, 2010;
- vi. The EAC Competition Authority (Conduct of Meetings), Rules, 2018;
- vii. EAC Competition (Mergers and Acquisitions) Regulations, 2022;

- viii. The EAC Competition (Sharing of Merger and Acquisition) Revenue Regulations, 2022;
- ix. EAC Competition Merger Notification Thresholds;
- x. EAC Competition Merger Notification Fee Notice;
- xi. EAC Competition Authority (Complaints, Investigations and Hearings) Rules of Procedure, 2022.

The EACA institutional framework comprises the Commission and the Secretariat. The Commission consists of five Commissioners appointed by the Council from the Partner States (Burundi, Kenya, Rwanda, Uganda and United Republic of Tanzania). The Commission gives policy guidance on competition matters and determine cases received and investigated by the Authority. The Secretariat under the Registrar is responsible for the day-to-day management of the affairs of the institution. Any person aggrieved by the decision of EACA can appeal to the East African Court of Justice.

4.3.4 Mandate, Functions and Powers of EACA

The mandate of EACA is to promote and protect fair competition and to provide for consumer welfare in the Community. The main functions of EACA are:

- i. Regulation of market structure;
- ii. Regulation of market conduct;
- iii. Protecting consumer welfare;
- iv. Advocacy and capacity building;
- v. The mandate of EACA is for matters with cross-border effect.

The Powers of EACA are provided for under Section 42 of the EAC Competition Act 2006:

- i. Investigating and compelling evidence, including the search and seizure of documents;
- ii. Gathering information;
- iii. Holding hearings;
- iv. Issuing legally binding decisions;
- v. Imposing sanctions and remedies;

- vi. Referring matters to the Court for adjudication;
- vii. Recommending to the Council to make regulations;
- viii. Developing appropriate procedures for public sensitization, consultation and participation;
- ix. Formulating by-laws for the operation of the Authority;
- x. Collecting data, undertake studies and publish reports; and
- xi. Co-operating with regional and international organisations and with foreign competition authorities.

4.3.5 Stakeholders of EACA

- i. Business community;
- ii. National and regional competition agencies;
- iii. Ministries and departments responsible for competition;
- iv. Sector regulators;
- v. Judiciary and legal practitioners;
- vi. Consumer organizations;
- vii. East African Legislative Assembly (relevant Committees);
- viii. EAC Policy Organs, Directorates;
- ix. Media;
- x. Small Medium Enterprises (SMEs);
- xi. Civil society; and
- xii. Academia.

4.3.6 Achievements of EACA

- i. Training, advocacy activities and events undertaken by the Authority in different Partner States;
- ii. Technical support to Partner States which resulted to establishment of Rwanda Inspectorate Competition and Consumer Protection Authority, Burundi in the process of setting up National Competition Authorities (NCA), RSS and Uganda have recently developed National Competition Bills;

- iii. Prepared amendments to the EAC Competition Act and revised the EAC Competition (Mergers and Acquisition) Regulation;
- iv. Established necessary infrastructure to facilitate the functions of EACA including a Strategic Plan, Policy frameworks on prioritization and advocacy, guidelines and a website.

4.3.7 Challenges Facing EACA

- i. Lack of competition laws and authorities in some Partner States;
- ii. Lack of culture and understanding of competition;
- iii. Inadequate human resource;
- iv. Financial constraints;
- v. Un refunded tax claims;
- vi. Delays in decision making by policy Organs of the EAC; and
- vii. Overlapping jurisdiction.

4.3.8 Observations of the Committee

- i. Delay by some Partner States to enact competition laws and establishment of Competition Authorities hinders the operations of EACA;
- ii. The multiple membership of Partner States (EAC, SADC and COMESA) brings a jurisdiction challenge to the EACA because COMESA is also having a similar institution;
- iii. There is a need to sensitize leaders and the general public about the activities and the importance of having competition regulatory authority within their Partner States and EAC;

4.4 INTER UNIVERSITY COUNCIL OF EAST AFRICA (IUCEA)

4.4.1 Historical Background

The higher education interaction and cooperation in East Africa originates from the pre-independence era when Makerere University College was the only higher education institution serving Kenya, the then Tanganyika, Zanzibar as well as the then Rhodesia and Nyasaland in Central and Southern Africa. In 1963, university colleges were formed

in Nairobi and Dar es Salaam as constituent colleges of the University of East Africa. Makerere College was the third constituent college of the University of East Africa.

In 1970, the University of East Africa was dissolved and the University of Dar es Salaam, Makerere University and the University of Nairobi were established as separate national universities for Tanzania, Uganda, and Kenya respectively. In the same year, the Inter-University Committee (IUC) was established under the auspices of the first EAC. Its role was to facilitate contact and cooperation among the three universities.

In 1977, the former EAC collapsed and the support that IUC was receiving from the Partner States declined. However, IUC continued to coordinate cooperation between the three universities albeit with resource constraints that severely limited its functions.

4.4.2 Establishment of IUCEA

In 1980, the three countries (Kenya, Uganda and Tanzania) signed a Memorandum of Understanding which led to the transformation of IUC into the current Inter-university Council for East Africa (IUCEA). The IUCEA faced decline in financial support from the three governments, the challenge that made it impossible to carry out the collaborative activities. This raised concern about institutional sustainability and hence prompted a study by the Commonwealth Higher Education Management Services (CHEMS) between November 1998 and March 1999 with a view to revitalizing IUCEA. The aim of the study was to develop a viable strategy for expansion and sustainability of IUCEA. Upon its re-establishment, EAC recognized IUCEA as one of the surviving institutions of the former Community.

4.4.3 Functions of IUCEA

- i. Advise the Partner States on all matters related to higher education.
- ii. Contribute to:
 - a. meeting national and regional development needs;
 - b. developing quality assurance processes in order to ensure high teaching and research standards;

- c. assisting member universities identify and implement good management practices;
- d. developing human resource capacity in all disciplines of higher education in the community; and;
- e. promoting equal opportunities for all students of East Africa, including those with special needs.

4.4.4 Legal and Operational Framework of IUCEA

- i. Legal instruments
 - a. The Treaty for the Establishment of the East African Community;
 - b. The Protocol for the Establishment of Inter-University Council for East Africa, 2002;
 - c. The Inter-University Council for East Africa Act, 2009; and
 - d. The headquarters' agreement signed between IUCEA and the Government of the Republic of Uganda.
- ii. Operational instruments
 - a. EAC Development Strategy;
 - b. IUCEA Strategic Plan 2021-2026;
 - c. Annual work plans.
- iii. Funding
 - a. Partner States;
 - b. Membership subscription;
 - c. Development partners.

4.4.5 Key Stakeholders of IUCEA

- i. Universities, university colleges and other degree-awarding institutions;
- ii. National Councils for Higher Education of all Partner States;
- iii. Ministries of EAC Affairs of each Partner State;
- iv. The Private sector; and
- v. Ministries in charge of Higher Education of each Partner State.

4.4.6 Stakeholders of the IUCEA

Table 2: Universities, University Colleges and other Degree – Awarding Institutions

SN	Partner State	Public Institutions	Private Institutions	Total
1	Burundi	5	10	15
2	Kenya	18	20	38
3	Rwanda	1	16	17
4	United Republic of Tanzania	17	19	36
5	Uganda	9	21	30
6	Republic of South Sudan	2	1	3
7	DRC			
Total		52	87	139

4.4.7 Governance of IUCEA

- i. EAC Council of Ministers;
- ii. EAC Sectoral Council of Ministers;
- iii. East African Legislative Assembly (EALA);
- iv. EAC Secretariat;
- v. IUCEA Organs;
 - a. Annual Meeting (of Vice-Chancellors);
 - b. Executive Committee (Governing Board);
 - c. Standing Committees (technical);
 - d. The Secretariat.

4.4.8 The Annual Meeting

The Annual Meeting is composed of the following:

- i. The Chairperson of the Executive Committee/ Board;
- ii. All Vice Chancellors and Principals of Member Universities;
- iii. Executive Director/Secretary of the National Commissions/Councils for Higher Education;

- iv. One representative from the Ministry in charge of Higher Education from each Partner State; and
- v. One representative from the private sector in each Partner State.

The Annual Meeting is responsible for the following:

- i. Determine the general policies of IUCEA;
- ii. Approve and amend the general framework for the work programs of IUCEA;
- iii. Receive and endorse the budget and audited accounts;
- iv. Review and determine membership subscription;
- v. Elect of the Chairperson of IUCEA Executive Committee/Board;
- vi. Elect the members of the Executive Committee;
- vii. Receive annual progress reports on all activities of IUCEA; and
- viii. Give professional guidance to the Executive Committee/Board and the Secretariat.

For overall policy in-put and guidance on all matters handled by the IUCEA Executive Committee and the Annual Meeting, they are submitted to the Sectoral Council on Education, Science, Technology Sport and Culture and the Council of Ministers.

4.4.9 Privileges and Immunities of IUCEA and its Staff

- i. The status, privileges and immunities of IUCEA and its staff are embedded in the Headquarters Agreement signed on 13 September 2002, between IUCEA and the Government of the Republic of Uganda.
- ii. The Protocol on Privileges and Immunities requires Partner States to grant the EAC, Organs and Institutions similar treatment in terms of Privileges and Immunities as those granted to other international organizations hosted in a Partner State. However, research indicates that Uganda accords different granted different privileges and immunities to similar institutions it hosts. Therefore, there is a need for the EAC to engage with Partner States to streamline equal grant of privileges and immunities.

- iii. IUCEA will soon embark on negotiations to amend the Agreement to cater for privileges and immunities for G4 and G5 staff as per the Protocol on Privileges and Immunities.

4.4.10 Proposed Amendments to the IUCEA Protocol

IUCEA Secretariat proposed amendments to the IUCEA Protocol. The Council considered the proposal and directed that the proposed amendments be forwarded to Partner States for comments. All Partner States except the Republic of South Sudan and the Republic of Rwanda have submitted their comments. The proposed amendments aims at:

- i. Incorporating new functions to IUCEA related to the operationalization of the Common Higher Education Area and implementation of the East African Qualifications Framework for Higher Education;
- ii. To remove governance and management functions from the Annual Meeting of IUCEA and to reserve all its functions to the Executive Committee/ Board;
- iii. Transforming the Annual Meeting of IUCEA into a forum of Stakeholders who deal with emerging issues on matters related to the higher education and make recommendations to the IUCEA Executive Committee/Board; and
- iv. To provide an avenue for all recognized universities in all EAC Partner States to automatically become members of IUCEA without necessity payment of subscription fees.

4.4.11 EAC Common Higher Education Area

- i. The EAC is declared a common higher education area;
- ii. Council of Ministers was directed by Summit of Heads of State to ensure harmonization of education;
- iii. IUCEA tasked with technical mandate to guide the process.

The building blocks of the Common Higher Education Area are:

- i. Regional quality assurance system, incorporating:
 - a. Standards, guidelines and procedures;
 - b. Programme benchmarks;
 - c. Quality assurance policy framework.

- ii. East African Qualifications Framework for Higher Education, EAQFHE;
- iii. Regional TVET Qualifications framework and occupational standards;
- iv. Staff and students' mobility policies; and
- v. EAC harmonized fees structure model.

4.4.12 Challenges facing IUCEA

- i. Delayed remittance of contribution and arrears;
- ii. Limited fundraising mechanism in the Region due to the geo-economic and political situation that is prevailing;
- iii. Slow adoption of regional policies, guidelines and approaches by Partner States;
- iv. Slow implementation of EAC laws by Partner States;
- v. The shift to digital learning is facing a major challenge of high cost of internet and acquiring computer and tablets both for students and staff;
- vi. Funding in context of expanded mandate and expanding community;
- vii. Sustainability and ownership of success from donor funded project;
- viii. Student pass-visa to student free indeed but logistics to access it very expensive;
- ix. Slow operationalization of the East African Common Higher Education Area;
- x. Internet connectivity cost for universities; and
- xi. Lack of strong impact of research in the region

4.4.13 Proposed Solutions and Assistance Needed

- i. EALA to be proactive in advocating for timely remittance of yearly contribution.
- ii. Continuous advocacy and sensitization of all relevant stakeholders to speed up the operationalization of the Common Higher Education Area.
- iii. Engage internet providers to considerably reduce the cost of internet for universities

4.4.14 Observation of the Committee on IUCEA

- i. The implementation of Common Market Protocol is delayed by the challenges experienced in mobility of students;
- ii. Some Universities charges difference fees between students from their Nationals and those from other Partner States;

- iii. Some students are facing challenges in renewing their resident permits especially those living far from the capitals of the relevant Partner States;
- iv. The different quality of education provided by various universities in the EAC is one of the barriers to the student mobility in the EAC;
- v. There is delay in the amendment of the law and protocol governing the IUCEA.

4.5 EAST AFRICAN SCIENCE AND TECHNOLOGY COMMISSION (EASTECO)

4.5.1 Establishment of the EASTECO

The East African Science and Technology Commission (EASTECO) is an institution of the EAC established in 2007. It was established by the Protocol on the Establishment of East African Science and Technology Commission. It is hosted by the Republic of Rwanda in Kigali, under the Headquarters' Agreement signed on 25th February, 2014. It started its operations in July 2015.

The overall objectives of EASTECO is to promote & coordinate the development, management and application of Science and Technology to support regional integration and socio-economic development. The specific objectives of EASTECO are:

- i. The formulation of regional Science, Technology and Innovation (STI) policies, strategies & frameworks;
- ii. The joint development and application of STI;
- iii. The promotion of regional research centers of excellence;
- iv. The exchange and utilization of scientific information;
- v. Promotion of public and private sector partnership in STI;
- vi. Mobilization of resources for STI development in the community;
- vii. Fostering scientific & technological innovation in the Partner States; and
- viii. Development, adoption and utilization of ICT and new and emerging technologies.

Table 3: The Strategic Priority of Areas of EASTECO

Priority Areas 1	Development of regional Science, Technology and Innovation Policies
Priority Areas 2	Promotion of Scientific Knowledge, Technology Advancement and Innovation
Priority Areas 3	Support to Application of Science, Technology and Innovation for Socio-Economic Development
Priority Areas 4	Enhance Stakeholder Engagement for STI development
Priority Areas 5	Strengthening the Institutional Framework of STI development

Table 4: The Achievements in the Priority Areas

Priority Areas	Achievements
Priority Area 1: STI Policies	a) Regional STI Policies i. EAC Regional Policy for Science, Technology and Innovation; ii. EAC Regional Policy on Intellectual Property; (b) Regional Strategies i. EAC Bio-economy Strategy; ii. EAC Science, Technology, Engineering and Mathematics (STEM) Strategy; iii. EAC Indigenous Knowledge and Technology Strategy; iv. EAC Innovation and Technology Transfer Strategy; v. EAC Digital strategy vi. EAC 4th Industrial Revolution Strategy
Priority Area 2: Promoting of STI Knowledge Management	i. Establishment of Regional program on Collaborative Research & Development in STI; ii. Development of Regional STI Indicators and web-based M & E database;

	iii. Regional Capacity Building program (Training in Manuscript & Grant writing); iv. Dissemination of STI data and information through: a) Publications - East African Journal on Science, Technology and Innovation (EAJSTI) b) Conferences, workshops and exhibitions.
Priority Area 3: Application of STI for Socio-Economic Development:	Networking of Knowledge and Technology Transfer Institutions i. Identification of Regional Centers of Excellence in Knowledge and Technology Transfer ii. Entrepreneurship Skills development iii. Network of Industrial Research & Development Organizations (RTOs)
Priority Area 4: Enhancing Stakeholder Engagement for STI development	i. Regional STI Stakeholder Consultations in all policy, strategy, and frameworks development undertakings; ii. Establishment of Regional Working Groups in STI priority areas including R&D; ICT and ITD iii. Development of Strategic Partnership with Global, Continental, regional and national organizations
Priority Area 5: Strengthening the institutional framework for Science and Technology	i. Constitution of 1st and 2nd EASTECO Governing Board; ii. Constitution of Committees of the Governing Board; iii. Development and operationalization of Governing Board Operations Manual; iv. Development and operationalization of the Rules of Procedure for the EASTECO Governing Board; v. Creation of regional focal points in Partner States for ease of coordination; vi. Creation of Regional STI Thematic Groups/Committees

4.5.2 Legal Instruments Governing EASTECO

- i. The Treaty for the establishment of the EAC;
- ii. The Protocol for the establishment of the EASTECO;
- iii. The Protocol for the establishment of the EAC Common Market;
- iv. The Headquarters Agreement between EASTECO Republic of Rwanda; 2014
- v. EAC Financial Rules and Regulations, 2012;
- vi. EAC Staff Rules and Regulations, 2006; and
- vii. EAC Procurement Procedures Manual, 2020.

4.5.3 Stakeholders of EASTECO

- i. EAC Organs and Institution (IUCEA, EAHRC, LVBC, LVFO);
- ii. National Councils/Commissions on Science & Technology;
- iii. Ministries Responsible for STI in Partner States;
- iv. Ministries Responsible for EAC Affairs;
- v. Ministries responsible for ICT and Innovation;
- vi. EAC Regional Centers of Excellence;
- vii. Public and Private Universities;
- viii. National and international Research Institutions/Organizations;
- ix. International and Regional Organizations including the AfDB, USAID; IDRC, Sida, ICIPE, UNESCO, Republic of Estonia, UNEP and UNECA, RISA, TIRDO, UIRI, KIRDO, NIRDA, CTNA Burundi and GIZ-EAC.
- x. National and Regional Private Sector Association; EABC, KEPSA, PSFU, TPSF, PSFR.

4.5.4 Challenges Facing EASTECO

- i. Delay in the amendment of EASTECO Protocol to address the size and membership of Governing Board and to separate the functions of the Commission from the functions of the Governing Board;
- ii. Delayed approvals - EAC Science, Technology and Innovation (STI) and Intellectual property Policies (IP);

- iii. Permanent Headquarters: Republic of Rwanda still prospecting for a suitable space to allocate for the construction of the EASTECO headquarters;
- iv. Inadequate staff;
- v. The Headquarters' Agreement between EASTECO and Rwanda denies some immunities and privileges to Rwandans employed by EASTECO;
- vi. Financial challenges including the late disbursement of Partner States funds to EASTECO.

4.5.5 Areas Require Amendment to the Legal Instruments

4.5.5.1 The EASTECO Protocol

The Protocol for the Establishment of EASTECO need to be reviewed to reduce the number of members of Governing Board from 45 to a manageable number. The Legal Experts and Science & Technology Experts met from 17-19 October 2022 and prepared a draft Revised EASTECO Protocol which will be presented to the Sectoral Council.

4.5.5.2 Headquarters' Agreement

The main challenge is the exclusion of Rwandans in the privileges and immunities accorded to the staff of the Commission:

- i. Their salaries are not exempted from taxation (this article is however not enforced by the commission at the moment);
- ii. The right to import or purchase household and personal effects including one car free of duty, VAT and withholding tax.

EASTECO raised this matter with the relevant ministry of the government of Rwanda and to the Committee on Legal, Rules and Privileges of EALA. The matter is not yet resolved.

4.5.6 Observations of the Committee on the EASTECO

- i. The delay in the amendment of the Protocol governing EASTECO affects the functioning of the Commission;
- ii. EASTECO is hosted in Rwanda at a hired building. The hired building limits the application of some of the immunities and privileges accorded to EASTECO by the Republic of Rwanda;

- iii. There are challenges on the privileges and immunities accorded to the EASTECO by the government of Rwanda:
 - a. Staff of the Commission from the Republic of Rwanda are not entitled to some of the privileges and immunities;
 - b. Salaries of the staff from Rwanda are not exempted from the tax; and
- iv. EASTECO should put effort to support Partner States to engage in the technology space.

4.6 EAST AFRICAN HEALTH RESEARCH COMMISSION (EAHRC)

4.6.1 Establishment of EAHRC

The East African Health Research Commission (EAHRC) was established in accordance with Article 118 of the Treaty and the Protocol for the Establishment of EAHRC signed on 13 September 2008. The EAHRC is the principal advisory institution to the East African Community on health Research and Development (R&D). The broad objective of the EAHRC is to promote, facilitate, and coordinate the conduct and application of health research for the improvement of health and for the wellbeing of the people of East Africa. Specific objectives are to:

- i. Establish research programmes, networks, partnerships and centres of excellence in health research;
- ii. Establish capacity development and capacity utilisation programmes;
- iii. Create an environment that is conducive for research, including harmonised regional regulatory affairs and ethics review frameworks in the Partner States;
- iv. Establish mechanisms for health research knowledge management; and
- v. Mobilise resources to support health research for development.

4.6.2 Legal Framework Governing the EAHRC

- i. The Treaty for the Establishment of the East African Community;
- ii. The protocol establishing the East African Health Research Commission; and
- iii. The Headquarters Agreement between the Government of the Republic of Burundi and the East African Community.

4.6.3 Process to amend the Protocol on the Establishment of the EAHRC

The 12th Meeting of the Sectoral Council of Ministers for Health directed the EAHRC to prepare and submit a draft amendment to the Protocol. The EAHRC in collaboration with the EAC health and legal experts, CTC and EAHRC Commissioners prepared the amended EAHRC Protocol, which was circulated to Partner States for comments. Partner States are still considering the proposals to amend the Protocol. The development of the EAHRC law was suspended until the process of amendment of the Protocol is completed.

4.6.4 Headquarters of the EAHRC

In 2019, the government of Burundi granted a land to the EAHRC to construct its permanent headquarters in Bujumbura. The EAHRC in collaboration with the EAC secretariat started preparation of the architectural plan.

The EAHRC is exempted from paying tax in Burundi. Staff are given resident permit although they are required to renew from time to time. However, the EAHRC reported that staff of the Commission from the Republic of Burundi do not enjoy the privileges and immunities accorded to the Commission and its staff.

4.6.5 Stakeholders of EAHRC

The following are some of the stakeholders working with the EAHRC:

- i. Ministry in charge of EAC Affairs;
- ii. Ministry in charge of Health;
- iii. National Focal Points;
- iv. Research Institutions;
- v. Academic Institutions;
- vi. Health facilities;
- vii. Pharmacies;
- viii. Research scientists; and
- ix. Research Networking.

4.6.6 Request of EAHRC to EALA

- i. Advocacy for resources for the construction of the permanent Headquarters’;
- ii. Fast track the recruitment of EAHRC staff (The EAHRC has been without the substantive Executive Secretary for two years now);
- iii. Advocacy for EAHRC to conduct research on critical areas on COVID-19; and
- iv. Support in the finalization of the process to amend the EAHRC Protocol.

4.6.7 Observation of the Committee with regards to EAHRC

- i. There is a delay in the amendment of the Protocol to address some of the major operation challenges affecting the Commission including the big number of Members of the Governing Board a situation that had led to the delay in the establishment of the Board;
- ii. Adequate resource is needed to finance the construction of the EAHRC Headquarters in Bujumbura;
- iii. The Commission requested a supplementary budget to expand its activities to the DRC. The supplementary budget was approved by the Council awaiting approval by the Assembly; and
- iv. Officers from the Republic of Burundi does not enjoy the privileges and immunities accorded to the Commission by the Republic of Burundi.

4.7 LAKE VICTORIA BASIN COMMISSION (LVBC)

4.7.1 Establishment of the LVBC

The Lake Victoria Basin Commission is a specialized institution established under Article 33 of the Protocol for the Sustainable Development of the Lake Victoria Basin (2003). The LVBC is hosted in Kisumu, Republic of Kenya, with an existing Headquarters Agreement signed in 2007. The functions of LVBC are:

- i. Co-ordinate the harmonization of policies, laws, regulations and standards concerning LVB;
- ii. Promote stakeholder participation in sustainable development of natural resources in LVB;
- iii. Provide guidance on implementation of sectoral projects and programs;

- iv. Provide capacity building and institutional development within the LVB;
- v. facilitate and coordinate security and safe navigation on Lake Victoria;
- vi. Coordinate resource mobilization for sectoral projects and programmes.

4.7.2 Harmonized Policies, Laws and Regulations

LVBC facilitated the harmonization of the following:

- i. The harmonized EAC Regional Standards for Industrial and Municipal Effluent Discharges, was adopted and gazette in 2016 (ISSN 0000211, Vol. AT1-No 1, Legal Notice No. EAC/4/2016);
- ii. Harmonized Policy for Water Resources Management (2012);
- iii. Inland Fisheries and Aquaculture Policy for EAC;
- iv. Information and Data Sharing Guidelines among and within countries and agencies in Lake;
- v. The Integrated Water Resources Management Plan (IWRMP) for the LVB;
- vi. Basin-wide Sustainable Land Management Strategy;
- vii. LVB Climate Change Adaptation Strategy and Action Plan (CCASAP 2018).

4.7.3 Governing Legal Instruments

- i. The Treaty for the Establishment of EAC;
- ii. Protocol for the Sustainable Development of the Lake Victoria Basin, 2003;
- iii. The East Africa Community Lake Victoria Transport Act, 2007;
- iv. The Protocol on Privileges and Immunities of the EAC, 2015;
- v. The Lake Victoria Basin Commission Act 2022; and
- vi. Headquarters Agreement between EAC and the Republic of Kenya

4.7.4 Challenges Facing the LVBC

- i. While the Headquarters Agreement accords most of the immunities to the Commission and her staff, some privileges have not been fully accorded to the Commission and her staff compared to the privileges accorded to staff in other Organs and Institutions of EAC hosted in other EAC Partner States and to some extent privileges accorded to other Diplomatic Institutions hosted in the Republic of Kenya;

- a. The Headquarters' Agreement provides exemption for only goods and services imported, leaving out goods and services purchased within the Republic of Kenya. Additionally, the Commission is not exempted from paying the Exercise Duties.
- b. The Headquarters' Agreement need to be amended to accord Kenyan nationals working with LVBC similar privileges and immunities accorded to other nationals when they work for international institutions in their respective countries.
- c. The LVBC Headquarters' Agreement need to be renegotiated and be amended to reflect the Protocol on Privileges and Immunities and other international best practice;
- ii. The Functions of the Commissions provided by Section 6 of the Lake Victoria Basin Commission Act limit the scope of the mandate of the Commission and consequently leaving out the Republic of South Sudan and the Democratic Republic of Congo;
- iii. Commission request the Assembly to support the process of renegotiation of the Headquarters Agreement to ensure conformity with the Protocol on Privileges and Immunities of EAC.

4.7.5 Observations of the Committee

- i. The LVBC mandate is limited within the Lake Victoria Basin, leaving out the Republic of South Sudan and the Democratic Republic of Congo. It was however, observed that to enhance and promote better coordination and mutual collaboration with other entities particularly Partner States with shared lakes and rivers, there is need to establish a framework for the terrestrial eco-systems and water resources management of transboundary nature;
- ii. The implementation of the East African Lake Victoria Transport Act is in slow pace because:
 - a. Partner States are using their national laws instead of this law; and

- b. A number of regulations required for implementation of this law are yet to be made.
- iii. There is delays in the implementation of some programs and projects in the Partner States which cause challenges to the financiers of projects and programs;
- iv. Budget constraints and understaffing;
- v. There are challenges with regards to immunities provided to LVBC by the Republic of Kenya:
 - a. Staff from Kenya are not included in the privileges and immunities, even for function privileges and immunities, a situation that causes discrimination and affects the functioning of the Commission; and
 - b. There is no tax exemption for goods and services purchased within the Republic of Kenya and for Excise Duties.

4.8 LAKE VICTORIA FISHERIES ORGANISATION (LVFO)

4.8.1 Establishment of the LVFO

Collaborative efforts to manage the fisheries of Lake Victoria originate from the study conducted in 1927- 28 to assess the fisheries of the lake that recommended for the establishment of a lake-wide authority, the Lake Victoria Fisheries Service (LVFS) in 1928. The LVFS was replaced by the East African Fisheries Research Organization (EAFRO) in 1947, which was later upgraded to be the East African Freshwater Fisheries Organization (EAFFRO). The EAFFRO disintegrated following the collapse of the First EAC in 1977. However, the three riparian states continued to collaborate in the management of the Lake Victoria fisheries under the aegis of the Food and Agriculture Organization (FAO) through its Committee for the Inland Fisheries of Africa (CIFA). Later on, CIFA recommended for the formation of the Lake Victoria Fisheries Organization (LVFO). The LVFO was established through a Convention signed on 30th June 1994 by the three Partner States sharing the Lake Victoria (Kenya, Uganda and Tanzania). The LVFO is recognised by FAO as a Regional Fisheries Management Organization (RFMO). With the revival of the East African Community (EAC), the LVFO became a specialized institution of the Community under Article 9(3) of the Treaty.

For the LVFO to become institution of the Community, it was necessary to review the Convention and its functions to include all Partner States. A Functional Analysis Study conducted in July 2008 during the Implementation of the first Fisheries Management Plan pointed to the need to widen the scope of LVFO to include all the EAC Partner States and to expand the coverage to regional fisheries beyond the Lake Victoria and to address aquaculture and postharvest issues.

In collaboration with FAO, the EAC amended the Convention establishing the LVFO on 29th January 2016 to allow all Partner States to join the LVFO by ratifying the Convention and depositing the ratification instrument with FAO. The Republic of Burundi ratified and deposited the instrument of ratification.

4.8.2 Stakeholders of the LVFO

The role of the LVFO Secretariat is to coordinate the fisheries and aquaculture activities in the region and the related key stakeholders include contracting parties through their Ministries, Departments, and Agencies (MDAs) responsible for fisheries and aquaculture, fishers, fish farmers, fish traders, fish processors and their related groupings. The Secretariat relates with the key stakeholders through:

- i. Technical Committees: Scientific committee (comprising Heads of Fisheries Research Agencies in Partner states) and Fisheries management committee (Heads of Fisheries Management Agencies in the Partner States);
- ii. Regional Working Groups (several in diverse thematic areas) in the Partner States (Comprising Technical Staff from Technical Agencies in Partner States);
- iii. National Working Groups (several in diverse thematic areas);
- iv. Fishers/Fish Farmers/Fish Processors and Traders in the Partner States;
- v. Ministries Responsible for EAC Affairs; and
- vi. The EAC Secretariat particularly the Department for Agriculture and Food Security.

4.8.3 Implementation of Legal Instruments of LVFO

The activities of LVFO governed by the Convention establishing the LVFO. At regional level, the Contracting Parties agree on programs and activities through the directives and decisions of the Fisheries and Aquaculture Sectoral Council (FASCoM). Implementation is mainly at national level where each Contracting Part is required to implement and report to the Sectoral Council. Specific MDAs in Partner States coordinated by the LVFO Secretariat implement the decisions and directives and report progress.

4.8.4 Challenges facing the LVFO

- i. The budgetary constraints, which has been stagnant and even declining in some years. For instance, in 2019/2020, the Partner States budget to LVFO was US\$ 2,060,485, whereas in 2022/2023 it decreased to US\$ 1,862,000;
- ii. Incomplete contribution of the approved budget from Partner States; as at to date the Partner States are in arrears of USD434,363 (23% of the current budget) and cumulative arrears of USD 935,304;
- iii. Staffing gaps have seriously affected the delivery of the mandate;
- iv. The organization has aggressively solicited and attracted development partners supported projects but face limitation of working space to house the addition staff and project activities.

4.8.5 Areas require amendment to the legal instruments

The LVFO Secretariat hired a consultant to undertake the legal and institutional review regarding the expansion of the mandate, scope and the possible change of the name to be the East African Fisheries Organization (EAFO) and ultimately aligning the LVFO Convention to the Treaty. The meeting of stakeholders to validate the findings of the study is scheduled for 8th – 9th May 2023.

4.8.6 Status, Privileges and Immunities

- i. Section 2 of the Convention on the privileges, immunities and facilities of the Convention exempts the LVFO from payment of taxes. However, the institution is facing the challenge of tax refund from the relevant tax authorities of the Partner States. As of to date, the tax refund claims stand at USD150, 350.71.

- ii. Whereas Article XVIII.2 of the Convention accords the Executive Secretary, the Deputy Executive Secretary and other staff of the Organization, diplomatic privileges the professional staff are not given the privileges like the diplomatic number plates for cars, diplomatic IDs and passports.

4.8.7 Observations of the Committee

- i. Tax refund is a major challenge. Whereas LVFO can get refund from the Republic of Uganda where they are hosted, there is no framework for institutions to claim tax refund from other Partner States where institutions are undertaking their activities;
- ii. Some Partner States are not Members of the LVFO, therefore LVFO can only undertake its activities in Partner States which ratified to the Convention;
- iii. There is an increase of the trade in fish maw (mabondo), Partner States are requested to regulate their trade in order to protect the fish resources in the region;
- iv. There is delay in amending the legal instruments to extend the mandate of the LVFO to be an East African Fisheries Organization; and
- v. There are issues of immunities and privileges accorded to the LVFO as compared to other international organizations hosted in Uganda.

5.0 GENERAL OBSERVATIONS OF THE COMMITTEE

- i. Whereas the EAC adopted Kiswahili and French as official languages of the Community, the Treaty for the Establishment of the EAC is yet to be amended to affect that decision;
- ii. The government of Tanzania is in the process of granting a plot of land for the construction of the EAKC Headquarters in Zanzibar;
- iii. The EAHRC is at the initial stage of constructing its permanent headquarters in Bujumbura. Adequate resource is needed to finance the construction of the Headquarters;

- iv. The Protocol on Privileges and Immunities, which is fully ratified, is not yet implemented. The Secretary General should initiate the review of all Headquarters' agreements to align them with the Protocol;
- v. There is disparities of privileges and immunities accorded to staff of Organs and Institutions of the EAC; therefore, there is a need for the office of the Secretary General to review all the Headquarters' Agreements to address the problem. More issues on the same matter were reported by LVBC, EAHRC and EASTECO;
- vi. The EAHRC has been without the Substantive Executive Secretary for two years now due to delay in the employment procedures of the EAC;
- vii. All Organs and Institutions of the EAC have pending VAT claims from their hosting Partner States. It was also observed that the EAC does not have a mechanism to enable Organs and Institutions to claim VAT refund from other Partner States apart from the Partner States that host the said Organ or Institution;
- vi. The mandate of the LVBC and LVFO are limited to the Lake Victoria and its basin, leaving out some Partner States. Whereas there are steps taken to expand the mandate of LVFO, there is no action taken by the Council to also widen the scope of LVBC;
- viii. All Organs and Institutions of the EAC are seriously underfunded and understaffed;
- ix. The Protocols for the Establishment of EAKC, EAHRC and EASTECO have serious issues that require amendment of the relevant Protocols. However, it has taken a very long time to amend the mentioned Protocols. The EAC Secretariat should fast track the process of these amendment;
- x. During its previous activities on privileges and immunities, the Committee made several recommendations for the Council and the Secretary General to take appropriate actions to address the challenges. However, there are no feedback received from the Secretary General on the action taken by its office;
- xi. Partner States contribute to the delay in the amendment of Protocols and Laws governing the institutions by delaying submitting comments on the proposed amendments;

- xii. The EADB did not cooperate with the Committee during the undertaking of this activity. It neither participated nor gave reasons for non-participation;
- xiii. The Lake Victoria Transport Act, 2007, an Act that was enacted to regulate maritime safety along Lake Victoria is not fully implemented;
- xiv. There is increment of marine accident within the Lake Victoria.

6.0 RECOMMENDATIONS OF THE COMMITTEE

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

1. Fast track the amendment of the relevant provision of the Treaty to facilitate the adoption of Kiswahili and French as official languages of the Community;
2. Commend the government of the Republic of Burundi for granting land for the construction of the permanent headquarters of the EAHRC;
3. The Council should allocate adequate resources to finance the construction of the EAHRC headquarters;
4. Urge all Partner States that are hosting EAC Organs and Institutions to grant suitable piece of land for the construction of the headquarters of the respective Organs and Institutions;
5. Direct the Secretary General to initiate the process of reviewing all the Headquarters' Agreements in order to align them with the Protocol on Privileges and Immunities and to address all issues raised by the relevant organs and institutions from time to time;
6. Direct all Partner States that were requested to give comments on the proposed amendments to protocols and laws governing institutions to provide their comments within a specific period specified by the Council;
7. Direct the Secretary General to fast track the process of amendments of Protocols establishing the EAKC, EAHRC and EASTECO, to address the serious challenges that were identified many years ago that affects the fully functioning of the said institutions;
8. Direct Partner States that have pending VAT claims for the organs and institutions of the EAC to settle all the claims within this financial year;

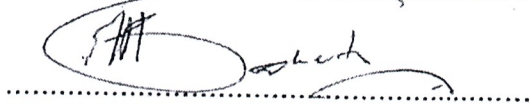
9. To set up a mechanism to enable Organs and Institutions to make their VAT Claims to other Partner States apart from the hosting Partner States;
10. To fast track the process of recruiting the Executive Secretary of the EAHRC and other key positions in all Organs and Institutions of the EAC;
11. To put in place all the legal and other infrastructure required for the fully implementation of the Lake Victoria Transport Act, 2007;
12. Direct all organs and institutions of the EAC to always adhere and cooperate with the call by the EALA or its Committees;
13. Direct Council of Ministers to take urgent action to address the issues concerning the integration of EADB into EAC systems;
14. Direct IUCEA to fast track the implementation of mobility of students as part of implementing the Common Market Protocol;
15. Direct IUCEA to sensitize universities to adopt and implement the EAC Common High Education Area by charging the same fees to students from all the EAC Partner States; and
16. Direct Council of Ministers to initiate the process of amending the Lake Victoria Basin Commission Act, 2022 to provide for a framework for coordination and mutual collaboration of terrestrial eco-systems and water resources management of transboundary in nature.

**REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE
OVERSIGHT ACTIVITY ON THE IMPLEMENTATION OF THE PROTOCOLS
AND LAWS GOVERNING EAC INSTITUTIONS**

1. Hon. Khalfan N. Mashaka
2. Hon. Alex Bahati
3. Hon. Clement Musangabatware
4. Hon. Dennis Namara
5. Hon. Dr. Gerald Siranda Blacks
6. Hon. Dr. Ipenda Boulou Desire
7. Hon. Dr. Maghembe Ngwaru
8. Hon. ^{Pmb} Dr. Mathias Harebamungu
9. Hon. Dr. Saidi Kibeya
10. Hon. George S. Odongo
11. Hon. Geraldine Kaubo
12. Hon. Hassan Omar Hassan
13. Hon. Jeremie Maswama
14. Hon. Kachwamba Ansar Abubakar
15. Hon. Kanini Kega
16. Hon. Kennedy Kalonzo
17. Hon. Kennedy Mukulia



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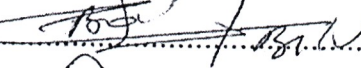
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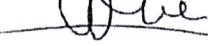
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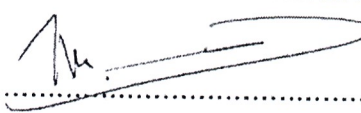
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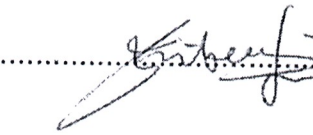
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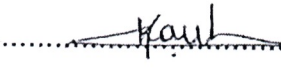


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18. Hon. Kim Gai
19. Hon. Luke Thomas Thoan
20. Hon. Olivier Nkurunziza
21. Hon. Victor Burikukiye

EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY



REPORT FOR THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON THE OVERSIGHT ACTIVITY TO ASSESS THE PROGRESS MADE BY CASSOA IN THE ENFORCEMENT OF AVIATION SAFETY AND SECURITY RULES AND REGULATIONS IN THE COMMUNITY

Laid on Table on 15/6/23
~~15/6~~

Chair CT1

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

15th June 2023

ACRONYMS AND ABBREVIATIONS

AFCAC	-	African Civil Aviation Commission
BASAs	-	Bilateral Air Services Agreements
CASSOA	-	Civil Aviation Safety and Security Oversight Agency
CRM	-	Crew Resource Management
CUTE	-	Common User Terminal Equipment
EAC	-	East African Community
ECQB	-	European Central question Bank (ECQB) East African Community
FIDS	-	Flight Information Display System
IATA	-	International Air Transport Association
ICAO	-	International Civil Aviation Organization
MOPs	-	Manager Flight Operations
MAIW	-	Manager Airworthiness
PAGAO	-	Principal Aerodromes and Ground Aids Officer
PANSO	-	Principal Air navigation Services Officer
PASO	-	Principal Aviation Security Officer
PPELO	-	Principal Personnel Licensing Officer
RSS	-	Republic of South Sudan
SSP	-	State Safety Programme
SASO		SADC Aviation Safety Organisation
USOAP	-	Universal Safety oversight Audit Programs
EASA	-	European Aviation Safety Agency

BAGASOO	-	Banjul accord Group safety Oversight Organisation
USOAP	-	Universal Safety Oversight Audit Programme
USAP	-	Universal Security Audit Programme
RSOO	-	Regional Safety Oversight Organisation
GASOS	-	Global Aviation Safety Oversight System
FCL	-	Flight Crew Licensing
AMEL	-	Aircraft Maintenance Engineers licensing
ATC	-	Air Traffic Control

1.0 INTRODUCTION

The East African Legislative Assembly (EALA) is one of the Organs and Institutions of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community. Under the Treaty, the EALA Rules of Procedure and other applicable laws of the Community, the Assembly is mandated to exercise three cardinal functions: legislation, oversight and representation in respect of all matters pertaining to the EAC Integration agenda. The Assembly, to the largest extent exercises its oversight function through its committees.

It was against the above background that the Committee on Communication, Trade and Investment undertook an oversight activity to assess the progress made by CASSOA in the enforcement of aviation safety and security rules and regulations in the Community. This activity took place at the headquarters of CASSOA in Entebbe, Uganda from 5th – 8th March 2023.

2.0 BACKGROUND

Under Article 92 (1) of the Treaty for the Establishment the East African Community, the Partner States undertook to harmonize their policies on civil aviation and to promote the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology, as well as the role of aviation in support of other economic activities.

The Treaty also enjoins Partner States to take necessary steps to adopt common policies for the development of civil air transport in the Community in collaboration with other relevant international organizations including the African Civil Aviation Commission (AFCAC), the African Airlines Association (AFRAA), the International Air Transport Association (IATA), and International Civil Aviation Organization (ICAO).

The aviation industry plays a vital role in achieving sustainable growth and development in East Africa. The expansion of air services is required for the development of a more diversified export base across the continent. Improvements in the air transport infrastructure would go a long way and help to raise living standards and lessen poverty in Africa by lowering transport costs, supporting more rapid economic growth and increasing personal mobility.

Air transport can open and connect markets, facilitating trade and enabling African firms to link into global supply chains. Improving air connectivity can also support the rise of productivity by encouraging investment and innovation as well as improving business operations and efficiency. Air transport is indispensable for tourism, where convenient air service facilitates the arrival of larger numbers of tourists to a region or country.

Infrastructure i.e., Airports and air-traffic management is essential to the growth and functioning of air transport services. In many African countries, more than elsewhere in the world, infrastructure inefficiencies coupled with limited competition are making market access both difficult and expensive. In addition, safety issues are a source of concern, particularly given the prospective growth in demand for air services.

Whereas many air markets between Africa and outside of Africa have been liberalized, to a significant extent, most intra-African aviation markets remain largely closed, subject to restrictive bilateral agreements. This limits the growth and development of air services.

Recognizing that the above restrictive arrangement was limiting growth, many African nations adopted the Yamoussoukro Decision in 1999. This agreement committed the 44 signatory countries to deregulating air services and to promoting regional air markets opening to transnational competition. However, the implementation of this agreement has been slow and limited, and thus the potential benefits of liberalizing intra-African air markets remain largely unrealized. (***World Bank report on mobility and transport connectivity series Policy Note – 2022***)

The 18th Sectoral Council on Transportation, Communication and Meteorology held on 6th – 10th February 2023 considered among others, the regulations for liberalization of Air Transport Services in the EAC and the mechanism of harmonization and domestication of regulatory framework which includes Civil Aviation Policy, Civil Aviation Economic Regulation, Competition Regulation, Disputes Settlement Regulation and Consumer Protection Regulation.

3.0 METHODOLOGY

During the oversight activity, the Committee:

- i) Interacted with the management of the CASSOA.
- ii) Received presentations from the management of CASSOA on the subject matter.
- iii) Analysed the relevant literature pertaining to the Aviation industry in the EAC region.
- iv) Interacted with officials from the Uganda Civil Aviation Authority.
- v) Undertook a site visit to assess the progress made in the expansion of Entebbe International Airport; and
- vi) Drafted and considered the activity report.

4.0 ORGANIZATIONAL SETUP, MANDATE, AND PROGRAMES OF CASSOA

(i) Establishment of CASSOA

The East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA) was established by the EAC Council of Ministers on 18th April 2007 following the signing of the Protocol on Establishment of the East African Civil Aviation Safety and Security by the three founder Partner States. The Institution is also governed by an Act of the Community – the CASSOA Act of 2009. CASSOA started operations on 1st June, 2007 as an autonomous self-accounting institution of the EAC. It was thereafter formally launched on 18th June, 2007 during the 5th Extra-Ordinary Summit of EAC Heads of State held in Kampala, Uganda.

The Agency was established to promote the safe, secure and efficient use and development of civil aviation within and outside the Partner States. The Agency is tasked to assist, support and advise the Partner States in their endeavor to meet their safety and security oversight obligations and responsibilities under the Chicago Convention and its annexes.

(ii) Functions of CASSOA

They include the following:

1. Harmonizing operating regulations to ensure that they meet international standards and recommended practices;
2. Monitor and provide input to the formulation of ICAO SARPs;
3. Developing standardized procedures for licensing, approving, certificating and supervising civil aviation activities;
4. Providing guidance and assistance to Partner States including putting in place measures for resource sharing particularly for the technical personnel;
5. Assist Partner States to meet or comply with ICAO SARPs; and
6. Evaluate the status of aviation safety and security in the Partner States.

(iii) Membership and Organizational set up

1. Membership to CASSOA is determined by being a party to the EAC Treaty and acceding to the Protocol; and
2. The Republics of Burundi, Kenya, Rwanda, South Sudan, Uganda, and The United Republic of Tanzania are members of CASSOA However, Democratic Republic of Congo is yet to join.

The Structural setting of CASSOA include:

1. The Board.
2. The Secretariat.
3. Other organs and officers as the Board may consider necessary (Technical Committees, Working Groups, officers). The Board reports to the Council of Ministers.

(iv) Mandate

The Agency derives its mandate from Article 92 of the Treaty for the Establishment of the East African Community. The Agency is mandated to assist Partner States undertake their Safety and Security Oversight obligations in line with the Convention on the International Civil Aviation Organization which is composed of 19 Annexes containing the basic standards and recommended practices (SARPs) of international Civil Aviation ***(attached Annex I)***.

It is also worth noting that CASSOA is a level 1 Regional Safety Oversight Organization for the EAC. Level 1, which is Advisory, and the coordinating function which Level 2 is Operational assistance functions. State Civil Aviation Authorities retain the final approving authority.

(v) CASSOA Programs/Activities

1. Technical Assistance to the Partner States is undertaken in preparation for ICAO safety, and security Audits and development of Corrective Action Plans;
2. Development, review and amendment of model EAC Primary Civil Aviation Act and Aircraft Accident and Incident Investigation Act;
3. Inspectors from Partner States facilitate the activities of the Agency in regular Working Group Meetings;
4. Interaction with Partner States through the Civil Aviation Authority;
5. The Technical Committees review the activities conducted by the Working Groups and makes recommendations to the Board for consideration and approval as appropriate, on quarterly basis;
6. Technical Assistance is rendered to the Partner States to establish and maintain State Safety Programmes (SSP);
7. Development, Review and Amendment of Model EAC Civil Aviation Regulations; and
8. Development, Review and Amendment of Technical Guidance Materials.

(vi) Major Ongoing Projects being implemented by CASSOA

1. Implementation of EU-Africa Safety in Aviation (EU-ASA) Project funded by European Union and coordinated by European Aviation Safety Agency (EASA) ***(attached Annex II)***;
2. Enhancement of the EAC Examinations System for Aviation Personnel thus the FCL, AMEL, and ATC. This is an ongoing activity. Every year CASSOA purchases new examination questions from various aviation colleges from Europe like

European Central question Bank (ECQB) and aviation Exams among others. CASSOA, then domesticates the exams for use;

3. Implementation of a Project on common licensing system funded by EAC States through Civil Aviation Authorities. This project aims at developing a framework for implementing the mechanism of improving the mobility of licensed personnel at regional level;
4. The establishment of the South Sudan civil aviation state safety and security oversight system. This is now at 25% since it started in 2022 and it's a 3-year programme;
5. Enhanced cooperation and collaboration agreements with global civil aviation organizations such as International Civil Aviation Organization (ICAO) African Civil Aviation Commission (AFCAC), African Union Commission (AUC), The Banjul Accord Group Aviation Safety Oversight Organization (BAGASOO), European Union Air Safety Agency (EASA) and Regional Safety Oversight Organizations for Global Aviation Safety (RSOOs);
6. Operationalisation of the Centre for Aviation Medicine in Nairobi, Kenya;
7. Implementation of the Regional safety Oversight Organization (RSOO) Cooperative Platform and Global Aviation Safety Oversight System (GASOS) initiatives with ICAO Headquarters, Montreal – Canada;
8. Aerodrome Certification Project, by ICAO providing Technical Assistance to some of the Partner States during their Aerodrome Certification Process; and
9. Assistance to Partner States undergoing the ICAO USOAP and USAP in the current year that is Uganda and Tanzania.
10. Implementation of the project on Automatic Validation of personal licenses to enable the movement of skills in aviation within the Region in line with the Common Market Protocol.

(vii) Achievements

The Committee was informed that since its inauguration, the Agency has recorded the following key achievements:

1. There has been improvement in the area of Aviation Medicine seeing the number of DME's in the Community rise from 15 in 2011 to over 36 in 2022 and Medical Assessors from existing in only one (1) to four (4) Partner States.
2. Improved levels of effective implementation amongst Partner States of Safety and Security Oversight system which is above the global average of 60%.
3. Developed model of EAC Primary Civil Aviation Legislation for adoption and promulgation by Partner States.
4. Developed model EAC Regulations for adoption and promulgation by Partner States. These are meant to set out the orderly development and harmonization

of civil aviation practices in Partner States. Owing to the changing nature in the aviation industry due to the fast development of technologies, CASSOA has been updating the regulations to keep them relevant and applicable.

5. Developed model EAC technical guidance materials for adoption and promulgation by Partner States.
6. Pooling of resources such as sharing of inspectors within the Region.
7. Sustained Stakeholders engagement at Regional and Global levels through regional symposia.
8. Enhanced capacity building among Partner States through inspector training system (ITS). Regular trainings are undertaken in various Partner States to enhance the skills of staff of the various EAC aviation agencies.
9. Harmonized Regional Roadmap for implementation of State Safety Programmes/Safety management system.
10. Enhanced collaboration with global organization such as ICAO, EASA, AFCAC, SASO, and BAGASSOO.
11. Aerodrome Certification Project, by ICAO provided Technical Assistance to some of the Partners States during their Aerodrome Certification Processes.

(viii) Challenges

The Executive Director informed the Committee that, Institution has been facing the following challenges:

1. Decline in revenues from Partner States attributed to Covid-19 pandemic which led a decrease in civil aviation activities in the Partner States. Recovery is not yet at 100% of pre-pandemic activity levels.
2. A limited mandate that does not allow enforcement of harmonized standards in the Region.
3. Inability to attract and retain staff. There is a high staff turnover at the Agency due to uncompetitive remuneration in the staff terms and condition of services compared to the aviation industry.
4. Delayed implementation of harmonized standards by Partner States caused by diverse bureaucratic processes to enact, promulgate or approve the developed documents for implementation in the Partner States.
5. Scarcity of aviation experts in the region leading to understaffing in some CAAs. Thus, compromising the levels of oversight required to ensure aviation safety and security in the Region.
6. Decline in oversight capabilities and compliance to aviation standards among Partner States because of COVID related measures.
7. Delayed liberalization of air transport services in the Region making air transport expensive.
8. Lack of adequate Accident Investigation Capacity (AIG) in the Region - AIG is the worst performing audit area in USOAP.

5.0 ENFORCEMENT OF AVIATION SAFETY AND SECURITY REGULATIONS IN THE REGION

In a bid to ensure compliance of aviation safety and security rules and regulations in the Community, the Executive Director informed the Committee that CASSOA has undertaken the following measures:

i) Harmonized operating regulations to ensure they meet international standards and recommended practices.

CASSOA harmonized the Civil Aviation Safety and security regulations among the EAC Partner States. The model EAC (Civil Aviation) Acts and Regulations were developed and have been disseminated to Partner States for use. It's only the Republic of South Sudan (RSS) that has not yet undertaken the International Civil Aviation Organization (ICAO) and the Universal Safety oversight Audit Programs (USOAP) audits. In addition, CASSOA has been supporting the processes to ensure that Partner States pass the ICAO audits.

The Committee was informed that attempts by Partner States to establish a regional accident and investigation agency that deals with aviation accidents and incidents have not been successful. As such, the region does not have a regional coordinator for handling and investigating aviation accidents and accident capabilities as and when they occur.

(ii) Developed standardized procedures for licensing, approving, certificating, and supervising civil aviation activities

CASSOA developed and harmonized procedures and policies for oversight functions in civil aviation in the region including certification and licensing of operations and personnel. Model EAC technical guidance material procedures and manuals were developed and were disseminated to Partner States for use.

(iii) Providing guidance and assistance to Partner States including putting in place measures for resource sharing particularly for technical personnel

CASSOA has been pooling resources and expertise in EAC Partner States. In addition, it has established and implemented among the Partner States a civil aviation safety inspector's programme. A Memorandum of undertaking with the civil aviation authorities was reached. A Procedures manual was developed which spelt out modalities for sharing of Civil Aviation Safety Inspectors within in EAC Partner States.

However, the Committee was informed that resource constraints at CASSOA and in the Partner States aviation agencies affects the agents' capabilities to keep the technical staff in the Partner states with required skills.

(iv) Centre for Aviation Medicine

As part of harmonizing and improving safety and oversight in the aviation sector across the EAC, Partner States took part in the Universal Safety Oversight Audit Programme (USOAP) of the International Civil Aviation Organization (ICAO). The Programme identified shortcomings in the implementation of ICAO Standards and Recommended Practices (SARPs) within the Region in relation to Designated Medical Examiners (DMEs), and use of Medical Assessors.

As a result, there was an acknowledgement for Civil Aviation Authorities to have access to an Aviation Medicine Centre that would assist to guide and train aviation medical assessors in ICAO SARPs compliance. The center will:

1. develop and implement regional partner states mission schedules for evaluation of the status of aviation medical related Standards and provision of Corrective Action Plans to close the identified gaps and
2. Review / evaluate Aviation Medicine related regulations, policies, and standardized technical guidelines.

Arising from the above, the Council approved the establishment of the EAC Centre for Aviation Medicine which became functional in February 2014 in Entebbe at the CASSOA Headquarters but was later reallocated to Nairobi, Kenya where the Government of the Republic of Kenya donated 4 acres of land at Jomo Kenyatta International Airport.

The Committee noted that CASSOA management and the Republic of Kenya are yet to conclude on the internal consultations and approve the Host Agreement to enable the full operationalisation of the Centre. Following the approval USD 398,194 by the Council, CASSOA was able to procure and install medical equipment, ICT equipment and furniture at the Centre.

(v) Primary Law

Partner States are signatories to the ICAO Chicago Convention that establishes rules of airspace, aircraft registration and safety. The Convention also details the rights of the signatories in relation to air travel and exempts air fuel from tax requires.

Each Partner State is required to enact its Primary Legislation to govern her Civil Aviation Activities. This provides for promulgation of regulations relating to respective aviation activity. The regulations are thereby developed and harmonized jointly under the support of CASSOA.

The Committee was informed that the primary legislations for Burundi and South Sudan are currently undergoing the amendment process.

6.0 AIR TRANSPORT CHARGES, FEES, AND TAXES IN THE REGION

Each EAC Partner State has put in place a regulatory framework governing the air transport services sector. The framework provides the applicable regulatory fees and charges for air transport services, which explains the different formulae and charge rates for air transport services in the region.

(i) Air Navigation Charges in EAC Region

According to the information the Committee received from the EAC Secretariat, below is a comparison of Air Navigation Charges for a flight operated in a B737 with a Maximum Take-off Weight (MTOW) of 70tons, operating 185km based on applicable formula.

Table 1

S/n	States	Total Charge (USD)
1	Republic of Burundi	53
2	Republic of Kenya	218
3	United Republic of Tanzania	140
4	Republic of Rwanda	100
5	Republic of Uganda	125
6	Republic of South Sudan	-
7	Democratic Republic of Congo (DRC)	-

(Source: AFRAA 'Air Navigation Charges in Africa' Nov. 2020)

(ii) Taxes and fee paid by passenger on international departure in EAC Airports (i.e., including passenger service charges, Security fee, and safety fee etc)

Table 2

S/n	Partner States	Charges (USD)
1	Republic of Burundi	40
2	Republic of Kenya	50
3	Republic of Rwanda	50
4	United Republic of Tanzania	54
5	Republic of Uganda	57
6	Republic of South Sudan	-
7	Democratic Republic of Congo	77

(Source: AFRAA 'Air Navigation Charges in Africa' Nov. 2020)

(iii) Comparison of Air Navigation charges in East Africa. The charges are calculated for a flight operated in a B737 with an MTOW of 70 tons operating a distance of 500 nm.

Routing	En-route charges	Terminal	VSAT	Total
Republic of Burundi	53.0	53.0	9.6	115.6
Republic of Kenya	366.2	50	10.0	426.2
Republic of Rwanda	100.0	-	8.0	108.0
United Republic of Tanzania	235.0	-	9.6	244.6
Republic of Uganda	125.0	-	10.0	135.0
Republic of South Sudan	-	-	-	-
Democratic Republic of Congo	526.2	110.2	9.6	646.0
Average	628.7	30.5	8.1	239.3

(Source: AFRAA 'Air Navigation Charges in Africa' Nov. 2020)

According to the table above, the average amount of air navigation charges in East Africa is USD 239.3. This includes an average USD 628.7 for En-route charges, USD 30.5 for terminal charges and USD 8.1 for communication which makes air transport in the region very expensive and less affordable.

(iv) Harmonization of Regulatory Fees and Charges

Anchored under article 92 of the treaty and article 38 of the Protocol on the Establishment of the East African Community Common Market. Partner States are currently carrying out national consultations with relevant air transport stakeholders (i.e., Ministry responsible for Civil Aviation, Revenue Authorities, Civil Aviation agents, consumer consultative council etc.) to develop mechanism for harmonizing air transport charges, taxes and fees within the region. The objective is to create a fair level playing field, enhance competition and boost air transport demand in the region.

(v) Converting Air Transport Charges across EAC Region from International to Domestic category

In the spirit of Common Market, the air traffic movements (Passengers, Cargo and Aircraft) within the EAC region should be converted from International to domestic category to attract domestic applicable charge rates, which will eventually lower the costs of air transport services in the region. Currently partner states are carrying out national consultations with relevant air transport stakeholders on the mechanism to convert EAC air transport charges from *international category* to *domestic category charges for traffic movement across the EAC Partner States*. This will significantly lower passenger airfares, lower tariffs on aircraft and cargo movements.

7.0 INFRASTRUCTURE AND FACILITIES OF ENTEBBE INTERNATIONAL AIRPORT

There are impressive and ongoing progress on the expansion and upgrade of airports physical infrastructure and air navigation facilities of major airports within the region. The strategy has enhanced physical accessibility of airports; enhanced capacity; safety, security and quality of facilitation for air transport services in general. The 4th EAC Heads of State Retreat held in February 2018 adopted programme on the implementation of Priority Airport Projects. This was a flagship programme where the EAC Secretariat and Partner States continue mobilizing fund resource to support the Priority Airport Projects.

In line with that while, the Government of Uganda developed a 20-year National Civil Aviation Master Plan covering the period up to 2033, which was cover in the Uganda Vision 2040. The Master Plan covers Entebbe International Airport and other airfields in the country.

The project for the upgrade and expansion of Entebbe International Airport is critical to the development of the air transport industry in light of the growing passenger and cargo traffic figures. While Entebbe International Airport handled 118,000 international passengers in 1991 at Uganda Civil Aviation Authority's (UCAA) establishment, the Airport handled 1.8 million passengers in 2019. The passenger traffic growth trend was only halted in 2020 when the figure reduced to 565,541 owing to the effects occasioned by the COVID-19 pandemic. The revival and commencement of flights by the national airline, and other new air operators like Air link and Air Arabia are expected to further grow the traffic in subsequent years, and promote the country's tourism potential.

In terms of cargo, Entebbe handled 6,600 metric tonnes of cargo in 1991, 59,720 metric tonnes in 2020, 64,000 metric tonnes in 2021 and 61,000 metric tonnes in 2022. Uganda's major exports include fresh produce, including fish, flowers, vegetables and fruits, which are consumed by markets in Netherlands, Belgium and the Middle East.

The new cargo Centre with capacity to handle 100,000 metric tonnes annually is aimed at addressing this demand. Cargo operations have shifted to the new facility.

The overall project for upgrade and expansion of Entebbe International includes, among others;

1. Strengthening of the main runway 17/35 and associated taxiways;
2. Strengthening and rehabilitation of the alternative Runway 12/30 and the associated taxiways;

3. Rehabilitation of Aircraft Parking Apron 4 and Reconstruction of Aircraft Parking Apron 2;
4. Expansion of the main Aircraft Parking Apron 1; and
5. Construction of a new Terminal building is currently ongoing in the area where cargo operations were previously undertaken. Annual capacity of the current terminal facilities will then increase from 2 million passengers a year to at least 3.5 million passengers by July 2024.
6. Re-modified the current terminal to create more room for departing passengers.
7. Installation of High Frequency (HF) Radio system for the Rescue Coordination Centre at Entebbe International Airport. This facilitates the provision of Search and Rescue Services to aircraft in need of the services within the Flight Information Region (FIR); and
8. The Non-Directional Beacon (NDB) at Port Bell Luzira has been installed and installed new Distance Measuring Equipment at Entebbe.
9. Air Traffic Management system has undergone various system improvements and upgrades as follows;
 - (a) Air Traffic Management (ATM) has made a transition from conventional navigation using ground aids to the use of satellite-based navigation. Since 2020, arrival and departure procedures in Entebbe are based on the Global Navigation Satellite System (GNSS), which has improved the safety, efficiency and capacity of the Ugandan airspace; and
 - (b) Due to the ATM improvements above, UCAA has been able to implement free routing airspace within the Entebbe Flight Information Region.
10. Modernization and automation of the Airport was commissioned in September 2022. It came with a new Terminal Operations Control Centre erected by Korea International Cooperation Agency (KOICA) as part of a USD 9.5 Million grant by the Government of South Korea. The project also delivered the following:
 - (a) A Computerized Maintenance Management System (CMMS);
 - (b) Airport Operational database (AODB) system;
 - (c) Implementation of ATS Message Handling System (AMHS);
 - (d) Improvement of Flight Procedures efficiency through Air Traffic Management; and
 - (f) Capacity building, including training of Ugandans in Korea.

The CAA Amendment Act, 2019 was assented to and published in the Uganda Gazette as CAA Act No. 7 of 2019. Most of the amendments were aimed at ensuring harmonization of Uganda's regulations and practices with the universal practice across the globe. Similarly, Parliament of Uganda considered and approved amendment of the

tax regulations and removed Value Added Tax (VAT) from the Passenger Service Charge in 2022. This is expected to make the passenger ticket cheaper by about USD 7.

Other major achievements recently accomplished by the Authority include the following:

1. ISO 9001:2015 Quality Management Systems (QMS) Certification of UCAA and Entebbe International Airport for a period of three years up to 2024 following compliance of requirements set up by United Kingdom Accreditation Services (UKAS)
2. Implementation of the new Electronic Government Procurement System (eGP) which went live in November 2020. UCAA was one of the ten pilot entities;
3. Instrumental in the process for inclusion of the Uganda Airlines Airbus A330-800 neo aircraft fleet on the airline's Air Operator Certificate;
4. Approval of additional Aviation Training Organizations (ATOS), including Bar Aviation Academy, Kubis Aviation Academy and additional training programmes by Morea. The number of Approved ATOs is now 9; and
5. Provision of necessary support to the Ministry of Works and Transport in the establishment of an Accident and Incident Investigation unit.

8.0 OBSERVATIONS AND RECOMMENDATIONS

(i) Delayed funding

The Committee noted that the delayed remittance of funds to the Agency has continued to affect the implementation of the key planned activities and reduced activities on oversight and safety. Non-remittance is a breach of Regulation 25(4) of CASSOA Financial Rules and Regulations 2013, which enjoins Partner States to make their financial obligations by remitting the first instalment within the first three months of the financial and the second by January of the same financial year.

Status of Contributions by Partner States to CASSOA as at 5th March 2023

Partner State	Arrears	Contribution Due FY 2022/23	Contributions Paid FY2022/23		Total Outstanding
1. Republic of Burundi	98,830	448,793	-	0%	547,623
2. Republic of Kenya		448,793	448,793	100%	0
3. Republic of Rwanda		448,793	448,793	100%	0
4. United Republic of Tanzania		448,793	316,195	70%	132,598
5. Republic of Uganda		448,793	448,793	100%	0
6. Republic of South Sudan	1,234,802	448,793	-	0%	1,683,595
Total	1,331,632	2,692,758	1,438,178	53%	2,363,816

The Committee was informed that the DRC had confirmed receipt from the Secretariat the demand notes for the budgetary contribution for financial year 2022/2023 and was processing her contribution.

The Committee recommends to Assembly to urge the Council of Minister to ensure that Partner States meet their financial obligations to CASSOA to enable the Agency implement its planned activities.

(ii) Failure to harmonise air transport policies

The Committee noted that at the time of undertaking the oversight activity, the Partner States had not yet harmonized the air transport policies. The processes of harmonizing have been characterized by various national interests, which still pose a challenge to the realization of this policy.

The Committee recommends to Assembly to urge the Council of Minister to expedite the harmonization of air transport policies as per their commitment under the Treaty.

(iii) Delayed Enactment of the Civil Aviation Act

The development of the State safety oversight system entirely depends on the enactment of the Civil Aviation Act and the subsequent promulgation of the Civil Aviation Regulations. However, the Committee noted that the Republic of South Sudan and the Republic of Burundi were yet to enact this critical piece of legislation.

The Committee recommends to the Assembly to urge the Council of Ministers to urge the Republics of South Sudan and Burundi to expedite the enactment of the Civil Aviation Act to enable the establishment of a strong state safety oversight system.

(iv) Cost of Air fares

The cost of air travel within the region is still very high and less affordable. The high taxes, charges and fees that affect ticket cost are high in the EAC region and such taxes, charges and fees include import duty, railway development levies, passenger services, value added tax, landing, parking and navigation charges. There is need to explore strategies to make airfares affordable.

The Committee recommends to the Assembly to urge the Council of Ministers to urge the Partner State to finalize national consultations on having a harmonized air tax/fee regime.

(v) Center for Aviation Medicine (CAM)

It was noted that the construction of the Centre for Aviation Medicine in Nairobi was completed and will be handed over to the CASSOA as soon as the Host Agreement between the Government of the Republic of Kenya and the East African Community is concluded. The negotiation of the Agreement was concluded in November 2022 and the draft agreement is now with the responsible Ministry in Kenya for finalization and submission to the Cabinet for approval prior to signing at a date to be determined.

The Committee recommends to the Assembly to urge the Council of Ministers to urge the Republic of Kenya to expedite the approval of the host Agreement to enable full operationalisation of the Centre for Aviation Medicine.

9.0 CONCLUSION

The Committee commends CASSOA for the progress made in executing its mandate of assisting Partner States in undertaking their safety and security obligations in the civil aviation industry, challenges notwithstanding. However, unless immediate and concrete steps are undertaken by the EAC Partner States to liberalise the Air Transport Services in the Community and a clear mechanism of harmonization and domestication of the EAC air space is instituted, the potential benefits of liberalizing intra-African air markets will not be realized.

**REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT
TO ASSESS THE STATUS OF INSTITUTIONAL DEVELOPMENT OF CASSOA AND
THE LEVEL OF ENFORCEMENT OF SAFETY AND CIVIL AVIATION RULES AND
REGULATIONS IN THE EAC REGION IN ENTEBBE FROM 5TH TO 8TH MARCH,
2023.**

1. Hon. Shahbal Suleiman said Saleh

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2. Hon. Kakooza James

.....

3. Hon. Karerwa Mo-mamo

.....

4. Hon. kezimana Cathy

.....

5. Hon. Ntisezerana Gabriel

.....

6. Hon. Ewanga is'ewanga Iwoka JB

.....

7. Hon. Masirika Nganiza Dorothée

.....

8. Hon. Mundela Mbombo Joseph

.....

9. Hon. Iman Falhada Dekow

.....

10. Hon. Sankok David Ole

.....

11. Hon. Musamali Paul Mwasu

.....

12. Hon. Rutazana Fancine

.....

13. Hon. Nyiramana Aisha

.....

14. Hon. Iradukunda Alodie

.....

15. Hon. Dr. Leonardo Anne Itto

.....

16. Hon. Sadia James Sebit

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17. Hon. kizigha Angela Charles

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18. Hon. Millya James Kinyasi

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19. Hon. Nadra Juma Mohamed

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ANNEX I

Annex No	THE BASIC STANDARDS AND RECOMMENDED PRACTICES OF INTERNATIONAL CIVIL AVIATION
1	Personnel Licensing
2	Rules of the Air
3	Meteorological Service for International Air Navigation
4	Aeronautical Charts
5	Units of Measurement to be used in Air and Ground Operations
6	Operation of Aircraft
7	Aircraft Nationality and Registration Marks
8	Airworthiness of Aircraft
9	Facilitation
10	Aeronautical Telecommunication
11	Air traffic Services
12	Search and Rescue
13	Aircraft Accident and Incident Investigation
14	Aerodromes
15	Aeronautical Information Services
16	Environment Protection
17	Security
18	The Safe Transport of Dangerous Goods by Air
19	Safety Management



EN

This action is financed by the European Union

ANNEX 3

of the Commission Implementing Decision on the Annual Action Programme 2017
of the DCI Pan-African Programme

Action Document for EU-Africa Safety in Aviation

1. Title/basic act/ CRIS number	EU-Africa Safety in Aviation CRIS number: DCI/PANAF/040-401 financed under the Development Cooperation Instrument			
2. Zone benefiting from the action/ location	Pan-African The action shall be carried out at the following location: Africa			
3. Programming document	Multi-Annual Indicative Programme 2014-2017 for the Pan-African Programme			
4. Sector of concentration/ thematic area	Strategic area 4: Sustainable and inclusive development and growth and continental integration Component 4: Infrastructure Component 1: Continental integration	DEV. Aid: Yes ¹		
5. Amounts concerned	Total estimated cost: EUR 5 000 000 Total amount of EU budget contribution EUR 5 000 000			
6. Aid modality and implementa- tion modality	Project Modality Indirect management with an EU specialised agency (European Aviation Safety Agency (EASA))			
7 a) DAC code(s)	21010 – Transport Policy and Administrative Management			
b) Main Delivery Channel	10000 – Public Sector Institutions			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	☐	☐	☒
	Aid to environment	☒	☐	☐
	Gender equality (including Women In Development)	☒	☐	☐
	Trade Development	☒	☐	☐
	Reproductive, Maternal, New born and child health	☒	☐	☐

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	☒	☐	☐
	Combat desertification	☒	☐	☐
	Climate change mitigation	☒	☐	☐
	Climate change adaptation	☒	☐	☐
9. Global Public Goods and Challenges (GPGC) thematic flagships	Not applicable			
10. Sustainable Development Goals (SDGs)	Main SDG Goal: 9 Secondary SDG Goal: 8			

SUMMARY

In Africa, the aviation industry is vital for socio-economic development, international trade, tourism and regional integration. It is particularly important due to the size of the continent and physical barriers such as deserts, tropical forests and mountains and the limited land-based transport network.

The action is in line with the Roadmap adopted at the 4th Africa-European Union (EU) Summit (§47). The corresponding result in the Multi-Annual Indicative Programme 2014-2017 is the improvement in civil aviation safety and efficiency through better navigation systems: deployment of satellite navigation systems, certification and exploitation. This should contribute to improved safety, air transport cost reduction and lower carbon emission.

This action will contribute to improve aviation safety in Africa in particular by developing the capacity of the Regional Safety Oversight Organisations (RSOOs). This capacity building will be done via the development of harmonised regulations, common oversight processes and training.

Enhancing aviation safety at a regional level will contribute to growth and continental integration. Apart from in some specific countries, deploying efforts at national level would have very little chance of promoting harmonisation of civil aviation regulations and safety oversight practices across the continent. On the contrary, harmonising civil aviation regulations and safety oversight practices at a sub-regional level, will multiply the chance of reaching common references across groups of countries and increase fair competition and enable the reduction of transport cost and boosting of intra-African trade.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

On average from 2005-2015, Africa has experienced impressive economic growth, with an annual average real Gross Domestic Product (GDP) increase of 5.6%. This has not only been driven by favourable commodity prices but has also involved countries that do not possess significant natural resources. This dynamism should continue since Africa's GDP is expected to double by 2030. With 30 million km² of land, making Africa the second biggest continent, the subsoil is a tremendous asset. Demography is also dynamic. Today, 16% of the world's population lives in Africa. By around 2030, 1 person in 4 will be African and by the end of the 21st century, 4 out of 10.

However, despite the fact that Africa is the second largest continent, it accounts for only 3% of the world's air traffic. Most goods and services are moved by surface transport modes. The potential of air transport in Africa is undeniable, but to realise this full potential there are many challenges to overcome.

The number of passenger flights in Africa is predicted to grow significantly and cargo will become an increasingly important part of African aviation activities. The Secretary General of Airports Council International (ACI) has predicted that the aviation industry in Africa will grow by 3.9% per annum through to 2020, compared to a world average of 3.4%, whilst cargo volumes are expected to grow at an even higher rate of 5.9% per year to 2020. This was also supported by an IATA report in May 2016 which put Africa as one of the fastest-growing aviation regions over the next 20 years, with annual expansion averaging nearly 5%.

The aviation sector is vital for socio-economic development, international trade, tourism and regional integration. It is particularly important due to the size of the continent and physical barriers such as deserts, tropical forests and mountains and the limited land-based transport network. The expansion of air services is a necessary precondition for the development of Africa's economy and export base as well as the expansion of tourism to the region. This will not be possible without a safer aviation sector.

At the same time, it is recognised that Africa is still lagging behind in terms of international aviation safety standards. The African region accounts for only 3% of the world traffic movements but it makes up 19% of world accidents. Whilst the accidents rates of all the other regions have been decreasing or staying at a constant rate, Africa's accident rate has been increasing steadily over the past 10 years.

Improved aviation safety will only be reached by improving Africa's compliance to International Civil Aviation Organisation (ICAO) Standards and Recommended Practices (SARPs). However, the obligation to ensure that national civil aviation operations and regulations conform to ICAO SARPs rests with individual ICAO member states. Yet, due to several challenges, including financial, technical and/or qualified human resources, many African States have difficulties in resolving their safety deficiencies. These challenges manifest, amongst others, in deficiencies with basic aviation law, technical regulations, air operator certification, enforcement, lack of qualified inspectors and inadequate operational budgets for the Civil Aviation Authorities (CAAs). Hence ICAO recommended adoption and establishment of Regional Safety Oversight Organisations (RSOOs) as a solution to mitigating the budgetary constraints of States by mutualising scarce resources. RSOOs can provide economies of scale by allowing the pooling and sharing of required resources. Member States increase thus their capacity to develop harmonised regulations adapted to their environment in compliance with ICAO SARPs. The pooling of resources creates the environment to attract, recruit and retain appropriately qualified and experienced personnel. This is also a first step towards mutual recognition between Member States of the RSOO of licenses, certificates and approvals. RSOOs play an important role by supporting the establishment and operation of a performance-based safety system by analysing safety information and hazards to aviation at regional level and reviewing the action plans developed within the region.

This collaborative approach is supported by the African Union through the African Civil Aviation Policy (AFCAP), which sees this as imperative to promote the harmonisation of aviation policies, regulations and procedures, and hence integrate aviation systems and optimise the use of limited resources. In order to further develop the above approach in response to existing constraints, the focus of the EU-Africa Safety in Aviation Project shall therefore be the RSOOs in Africa, specifically through capacity building via the development of harmonised regulations, common oversight processes and training at regional and continental level, thus contributing to regional integration and efficient oversight.

1.1.1 Public Policy Assessment and EU Policy Framework

In 2009, the EU-Africa High Level Conference on aviation held in Windhoek, Namibia identified several areas for the safe and sustainable development of the growing air services between the EU and Africa and within Africa. These declarations are the result of a strategic and exclusive political dialogue between the EU and Africa. The following documents paved the way to the current EU-Africa partnership in the area of aviation:

- Communication "Partnership between the European Union and Africa. Connecting Africa and Europe: working towards strengthening transport cooperation", COM(2009)301 final, 24/06/2009;
- Second Action Plan (2011-2013) for the Implementation of the Africa-EU Strategic Partnership, adopted at the Africa-EU Summit held in Tripoli, Libya on 29-30 November 2010.

In 2012, the European Commission published "The EU external aviation policy: Addressing future challenges" - Communication COM (2012)556 final, the main objectives of which are stated to be creating fair and open competition and a growth strategy based on "more Europe". One year before, the Commission had published its "Agenda for Change" (Communication COM(2011)1172 & 1173). In this document the need for improved infrastructure was recognised as a contribution to improved business environment, regional integration and world markets.

In 2014, the Roadmap adopted at the 4th Africa-EU Summit states: "we will strive for the reduction of transport costs and boosting of intra-African trade by bringing regional transport corridors to an adequate level of service, which is sustainable, safe and reliable."

During the 8th College-to-College meeting in April 2016, the African Union Commission and European Commission agreed to intensify efforts towards improving aviation and maritime safety and security as part of the fourth priority area of the above mentioned Roadmap.

The International Air Transport Association (IATA), during its Aviation Day in Abuja, Nigeria in May 2016, called on African governments to prioritise the development of aviation nationally and at a pan-African level to bolster economic growth and development through smarter regulations focused on safety and the development of connectivity.

It is also in the EU's interest to mitigate the risk of EU operating bans for African airlines due to concerns on the level of safety oversight in particular countries, which can negatively impact the benefits of aviation.

1.1.2 Stakeholder analysis

The end beneficiaries will be the passengers, airlines and African citizens that benefit from the positive economic impact of improved safety and reduction in air transport cost. Through regionally harmonised regulations and safety oversight, a level playing field will be achieved which will allow mutual recognition within the region and thus contribute to the elimination of unnecessary restrictions. A larger and harmonised market will allow for more players in the industry and will create an enabling environment for alliances and/or mergers among service providers. This will drive down prices and enhance flight interconnectivity and thus give users more choice and encourage the use of air services, all whilst generating employment.

The main institutions that will directly benefit from the action are the African Civil Aviation Commission (AFCAC), the RSOOs and a few countries subject to monitoring by the Air Safety Committee under the EU Safety List. The main focus of the action will be at the regional level, with some national intervention. The activities carried out at the continental and national level will be to improve the sustainability of oversight system at the regional

level. Some activities of the oversight will continue to be done at the national level (e.g. oversight of national operators) and thus will necessitate the proper environment for skilled staff to carry out their duties.

- At the continental level

The African Civil Aviation Commission (AFCAC) was created by the Constitutional Conference convened by the International Civil Aviation Organization (ICAO) and the African Union (AU) in Addis Ababa, Ethiopia, in 1964. AFCAC was fully established and began functioning in 1969 and on 11 May 1978 became an AU Specialised Agency in the field of Civil Aviation.

AFCAC has put in place a programme called AFI Cooperative Inspectorate Scheme (AFI-CIS). The objective of this programme is to assist African States to increase their Effective Implementation (EI) of the ICAO SARPs, through a pool of qualified and experienced Aviation Safety Inspectors from Africa. This programme aims at reinforcing the skills of national inspectors in charge of the safety oversight activities.

- At the regional level

In Africa, five RSOOs exist with a similar scope of work, each based on a Regional Economic Community (REC): ACSAC (Agence Communautaire de Supervision de la Sécurité et de la Sûreté de l'Aviation Civile) for the West African Economic and Monetary Union (WAEMU), ASSA-AC (Agence de Supervision de la Sécurité Aérienne en Afrique Centrale) for the Communauté Économique et Monétaire des États de l'Afrique Centrale (CEMAC), BAGASOO (Banjul Accord Group Aviation Safety Oversight Organisation) for the Banjul Accord Group (BAG), CASSOA (Civil Aviation Safety and Security Oversight Agency) for the East African Community (EAC), and SASO (SADC Aviation Safety Organisation) for the Southern African Development Community (SADC). They all deal with personnel licensing, air operations, airworthiness and aerodrome matters.

Two more organisations cover complementary areas. AAMAC (Autorités Africaines et Malgache de l'Aviation Civile) focuses on Air Navigation Services (ANS) for 17 African States mainly members of CEMAC and WAEMU. BAGAIA (Banjul Accord Group Accident Investigation Agency) deals with accident investigation for the BAG region.

These 7 RSOOs are at different levels of maturity. Some are still "in infancy", trying to secure the appointment of their management team; others are more mature and have been operating for several years even if they may still lack some staff and/or financial resources.

- At national level

The EU Safety List is a list of airlines which the European Commission, pursuant to Regulation (EC) No 2111/2005 and on the basis of the opinion of the EU Air Safety Committee (ASC), decides to subject to either a complete or a partial operating ban within the European Union for failure to adhere to the applicable international safety standards. The main reason for a country's airlines to be entered on the EU Safety List is the inability of its Civil Aviation Authority (CAA) to properly supervise its operators (which does not mean the airlines are unsafe per se). The country's safety oversight system is deficient and its international obligations are not fulfilled, thus potentially putting passengers at risk.

Several countries in Africa are included in the Safety List. Other countries in Africa are subject to reviews by the ASC to assess whether they should be incorporated in the list as well. Both types of countries would benefit from this action. Some of those countries are currently benefiting from assistance and as such do not need to be targeted by the present action. Other countries have in the past benefited from other EU projects but have shown low, or no interest. The latter will not be the primary target of this action.

The list of target countries provided below takes into account the above criteria. However, the list should be considered as indicative and, if need be, may be subject to amendment during the course of the action in coordination with the European Commission.

- Angola
- Benin
- Congo (Brazzaville)
- Equatorial Guinea
- Gabon
- Guinea
- Sao Tomé e Príncipe
- Sierra Leone
- Sudan
- Mozambique

ICAO, through its regional offices in Dakar the Western and Central African (WACAF) Office and in Nairobi the Eastern and Southern African (ESAF) Office, is very active in Africa, especially in the field of safety. A specific plan has been approved at the Council level of ICAO for this region: the AFI-Plan. In this framework, collaboration is ongoing between ICAO and the AFCAC, as well as RSOOs, to provide assistance to African States in addressing their safety deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP). ICAO also provides assistance to States through their Regional Office Safety Teams (ROSTs) in the implementation of their Corrective Action Plans (CAPs). The action will be coordinated with the AFI Plan Secretariat through the participation to the steering committee meetings.

1.1.3 Priority areas for support/problem analysis

The global aviation system has substantially evolved since the signature of the Convention on International Civil Aviation in Chicago, United States on 7 December 1944. From a purely State-based environment, it now incorporates cooperative frameworks between States, with the involvement of multiple stakeholders.

In some cases, these regional initiatives have led to the establishment of regional aviation systems with common legal rules under the terms of an international treaty. Implementation of those rules by participating States in a consistent manner is assured under a regional quality control mechanism usually exercised by an RSOO. Such framework may apply to all aviation domains. Other regional arrangements exist as well, such as regional accident investigation organisations (RAIO).

Regionalisation generates a number of benefits for participating States, for the regulated industry and ultimately for the travelling public. It provides for an overall improved performance of the aviation system.

This applies to the safety dimension notably by contributing to ensure an enhanced uniform level of safety across all participating States. It prevents States that are part of the regional system from being left behind. It enables the development of regional safety tools, such as regional pools of inspectors, regional ramp inspection programmes and regional occurrence reporting and safety recommendations databases.

Regionalisation also provides efficiency gains through increased regulatory predictability and reduced costs for participating States and for the industry. It helps to optimise the use of critical resources for essential tasks, such as those that are safety relevant. In some regional systems certain oversight or regulatory functions are, or could be, exercised centrally. As an example the issuance of approvals, e.g. aircraft type certificates, maintenance organisation

approvals, operator certificates and personnel licenses, has the potential to trigger significant economies of scale when issued either centrally by an RSOO, or by its participating States under a common safety regulatory framework allowing mutual recognition of the approvals. In this case, regionalisation facilitates interoperability within the region and can reduce significantly any differences vis-à-vis ICAO SARPs.

It facilitates the mobility of aviation personnel and companies by the recognition of a common safety regulatory framework. Finally, it brings economic benefits for regional and international industry in particular by removing the costs resulting from national regulatory differences and by providing industry external to the region with a simplified and centralised access to the region's market.

In Africa there is a total of 7 RSOOs, at different maturity stages. Some are still "in infancy" trying to secure the appointment of their management team; others are more mature and have been operating for several years even if they might still face some hurdles. Their establishment responds to the need to tackle the challenges encountered by many African states in meeting their obligations related to conformity with ICAO SARPs, through a collaborative approach.

The above challenges encompass, inter alia, deficiencies with basic aviation law, technical regulations, air operator certification, enforcement, lack of qualified inspectors and inadequate operational budgets for the Civil Aviation authorities (CAAs).

The collaborative approach underlying the establishment of RSOOs is also promoted by the African Civil Aviation Policy (AFCAP) from the African Union, which sees this as imperative to promote the harmonisation of aviation policies, regulations and procedures, optimisation of scarce resources and integration of aviation systems.

The RSOOs have already benefited from EU support, notably through the Support to the Improvement of Aviation Safety in Africa (SIASA) and ASSA-AC projects. One of the key legacies of the SIASA project has been the identification by some of the RSOOs of a clear list of needs stemming from clarified strategies and global training programmes. The clear vision achieved in terms of current status and challenges faced to attain a set of well-defined goals lays the ground for continuation of the support provided.

The RSOOs benefiting from the SIASA project have clearly identified the need to pursue the assistance which should address issues such as training of trainers who would in turn act as mentors for less experienced safety inspectors and establishing an RSOO platform/forum for the regional organisations to share best practices and learn from each other. The overarching purpose of these requests is to contribute to the sustainability of the RSOOs. Other aspects should also be considered to reach this sustainability. A general study on this issue taking into account aspects such as the legal framework, the level of delegation between the Member States and the organisation, the organisational structure of the RSOO, the staff and its qualification, the financial resources as well as its working tools, is seen as a necessity by the African RSOOs. It is not expected that one size would fit all. However, identifying clearer options would allow RSOOs to move in the right direction and make informed decisions.

Not building on the assistance already provided would prevent beneficiaries from reaping the full benefits of the efforts already invested, particularly enhanced recognition for the RSOOs. While continuing the support, it is also of utmost importance that beneficiaries contribute to the action by supporting activities and committing the necessary human resources. The purpose of this action is not "to do for" but "to do with" the safety oversight entities. This requires some investment and commitment on the part of the beneficiaries.

Several critical elements are identified by ICAO as essential parts of a safety oversight system. These are essentially the safety defence tools of an aviation system and are required for the effective implementation of safety related policies and associated procedures.

Stakeholders are expected to implement safety oversight critical elements in a way that assumes the shared responsibility of the RSOO, the States and the aviation community. Critical elements of the safety oversight system encompass the whole spectrum of civil aviation activities. The eight critical elements ICAO is focusing upon during its safety audits are listed below.

- a) Primary aviation legislation (CE1),
- b) Specific operating regulations (CE2),
- c) Aviation system and oversight functions (CE3),
- d) Technical personnel qualification and training (CE4),
- e) Technical guidance, tools and provision of safety critical information (CE5),
- f) Licensing, certification, authorisation and/or approval obligations (CE6),
- g) Surveillance obligations (CE7),
- h) Resolution of safety concerns (CE8).

Since 2005, the ICAO Universal Safety Oversight Audit Programme (USOAP) covers provisions contained in all safety-related Annexes to the Convention on International Civil Aviation (Chicago Convention). The core areas audited by the USOAP are the following:

- a) Primary aviation legislation and civil aviation regulations (LEG),
- b) Civil Aviation Organisation (ORG),
- c) Personnel licensing and training (PEL),
- d) Operation of aircraft certification and supervision (OPS),
- e) Airworthiness of aircraft (AIR),
- f) Aircraft accident and incident investigation (AIG),
- g) Air Navigation Services (ANS),
- h) Aerodromes and Ground Aids (AGA).

2 RISKS AND ASSUMPTIONS

<i>Risk</i>	<i>Risk level (H/M/L)</i>	<i>Mitigation measures</i>
Poor interest or buy-in / ownership of specific RSOO member states. RSOO Member States not following up on regional commitments and follow other regulatory system.	M	Use of political and peer pressure in regional aviation forums. Raise industry awareness. Facilitation via EU delegations.
An EU air safety ban and/or political instability may lead to reduced desire to cooperate with EASA and the EU.	M	Monitor overall political context and communicate and adapt project accordingly together with the stakeholders, European Commission (DG MOVE, DG DEVCO and EU Delegations). Where applicable, communicate on EU Safety List situation.

Political instability or conflict in the region might lead to reduced demand for regional cooperation or ability to execute activities on-site.	M	Regional activities are easily relocated. Focus on the technical level and monitor the overall political context and adjust the regional/national focus of the project. Experience shows that technical cooperation can continue despite political differences.
Slowdown of economic growth resulting in reduced demand in aviation transport services and products.	L	Monitor overall economic development, consider adjusting focus of project activities. Alternatively, in case of a severe and prolonged economic crisis, consider reducing the scope, postponing or early closure of the project.
Disease outbreak might reduce demand for aviation transport services and/or ability to execute activities on-site.	M	Monitor related news and adjust project accordingly.
Assumptions		
The RSOOs and their Member States remain committed to pursue the action through the implementation of the necessary measures at the national level and an adequate level of resources is allocated to the process. RSOOs are sufficiently staffed with appropriately qualified personnel. RSOO Member States and RSOO key staff remain in place, thus ensuring the sustainability of capacity building activities.		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Cooperation on aviation safety between the EU and Africa has so far materialised through the European Development fund (EDF) for African, Caribbean and Pacific (ACP) countries, Regional and National Indicative Programmes and the Commission Budget in North Africa and in the framework of the EU Safety List. Recent associated projects, mostly through EASA, include the following:

- SIASA (Support to the Improvement of Aviation Safety in Africa, 2012 – 2016) project, funded under the 10th EDF as part of a larger framework programme, which provided technical assistance and capacity building in Sub-Saharan Africa. This project provided assistance to 8 countries facing aviation safety issues, developed regulation and guidance material in the domains of ANS and PANS-OPS, delivered training, organised workshops and supported RSOOs.
- ATA-AC (Amélioration du Transport Aérien en Afrique Centrale, 2012 – 2017) project, funded under the 10th EDF, provided technical assistance and capacity building to Central Africa. The focus was on the operationalisation of the CEMAC RSOO, the delivery of training and the elaboration of an action plan for overhaul of the main aerodromes of the region.
- IASOM (Improvement of Aviation Safety Oversight in Malawi, 2013 – 2016) project, funded under the 10th EDF, provided technical assistance to Malawi for the improvement of aviation safety oversight.
- Zambia was provided with assistance in the field of aviation safety under the 10th EDF. The country was removed from the EU Safety List in June 2016. A new project is under

discussion in the framework of the 11th EDF in order to capitalise on the progress made and to reach a sustainable situation where the authority is autonomously capable of keeping its safety regulation up to date and maintaining the appropriate level of oversight of its operators.

- Technical assistance is currently being provided through the EUROMED project which targets amongst others the states of North Africa. The project is a continuation of two other completed projects. The overall objective is to promote harmonisation between the States' civil aviation safety regulations and standards with those of the European Union, improve their capabilities for aviation safety oversight and reinforce cooperation between the States and with EASA.
- The European Commission tasked EASA to provide technical assistance missions to a number of African countries (e.g. Algeria, Benin, Gabon, Mozambique, and Swaziland) which have been or are subject to monitoring by the Air Safety Committee (ASC) in charge of the EU Safety List. Specific assistance is provided to these countries in order to provide assistance and guidance solving some of the safety deficiencies identified by the ICAO audits.

These projects have laid the ground for the establishment and/or the reinforcement of the safety oversight system at national level for country projects, and at regional level under projects like SIASA and ATA-AC. Beyond the benefits related to improved safety in aviation, the regional projects have contributed to the harmonisation of regulations across groups of countries, marking the first steps towards a level playing field in those regions, and opening the possibility of liberalisation amongst those countries. Such developments in terms of harmonisation are in turn laying the ground for reaping the benefits of a continental approach to safety in civil aviation.

The main lesson learnt from past experience is that technical activities need to go hand in hand with raising political awareness and buy-in about the issue at stake. The adoption of regulations at regional level necessitates a new approach to which the political level needs to be familiarised.

One of the most significant changes that was noticed during the implementation of the SIASA project is the clear understanding that RSOOs have gained over the years about their own situation. During the inception phase of the project, the RSOOs were not equipped to provide a coherent list of activities that would allow them to improve their oversight capabilities. The only suggestions received were a "shopping list" of activities independent from each other, which were useful but not based on a coherent strategy. During the SIASA project's RSOOs closing meeting, some of the regional organisations involved were in a position to highlight a coherent list of needs based on a clear strategy or global training programme. These RSOOs have been able to gain some clear vision of their current status and the challenges they face to achieve well defined goals.

It is necessary to ensure continuity of the support provided. Stopping assistance at this stage would prevent the benefits being reaped from the work already done. Furthermore, when continuing the support, it is also of utmost importance to ensure the beneficiaries reciprocate with their contribution to the action by supporting activities and committing the necessary human resources.

Finally, the absence of a consolidated regional approach will hinder the achievement of significant results. It has been pointed out on many occasions that most individual countries do not have the resources to put in place and maintain a complete oversight system on their own. Using the regional approach enables the sharing of resources and contributes to sustainability. This however necessitates political commitment, which is key to the success of the action.

3.2 Complementarity, synergy and donor coordination

The action should ensure coordination with the other relevant activities organised throughout Africa, among which those managed by the European Commission and other EU institutions such as the European Investment Bank (EIB). Where appropriate, the Commission will facilitate this coordination. This is particularly the case of the Central Africa Aviation Safety Project (Facilitation du Transport Aérien en Afrique Centrale), the above-mentioned projects in Malawi and Zambia, the EGNOS (European Geostationary Navigation Overlay Service) in Africa Support Programme, the upcoming EA-SA-IO project under the 11th EDF (Support to the air transport sector development in the Eastern Africa, Southern Africa and Indian Ocean region) and the Euromed Aviation Safety Project.

Since most of the RSOOs are established by Regional Economic Communities (RECs), a coordination mechanism at steering committee level will have to be established with these RECs in order to ensure information sharing and the matching of activities with the regional organisations' priorities and the support provided by other implementing partners.

This is particularly the case for the following RECs for which the African Development Bank (AfDB) has agreed to financially support actions: ECCAS, ECOWAS and WAEMU. The European Aviation Safety Agency (EASA) will be involved in the implementation of the aviation safety related actions in ECCAS and WAEMU. The International Civil Aviation Organisation (ICAO) will also be involved in specific components of the actions in the three RECs. Both ICAO and EASA will participate in the programme steering committee meetings. The action will also coordinate with the work undertaken in the framework of the AfDB.

The EU is considering the financing under the 11th EDF of a programme for the Support of the air transport sector development in the Eastern Africa, Southern Africa and Indian Ocean region (EA-SA-IO) through indirect management with COMESA. This programme will support activities aiming at:

- Legal, policy and institutional sector reforms;
- Improved implementation of existing regional and national legislative provisions and international standards;
- Established regional institutional frameworks on issues such as safety oversight;
- ATM control and coordination, enhanced via the development of strategies, design and technology transfer;
- Regional seamless upper air space through enhanced coordination;
- Member states supported in the establishment of state safety programmes;
- Better national regulation enforcement through CAA and other stakeholders' capacity enhancement;
- Resolution of Significant Safety Concerns (SSC) in member countries.

The activities between the two projects will have to be coordinated. Cross participation in the projects' steering committee meetings could prevent the duplication of activities and build complementarities between this action and the project at COMESA level currently being developed. As a first step to avoid duplication, the present action will refrain from addressing ANS and AIG domains within the COMESA region, with the exception of the assistance to be provided to AAMAC which includes in the Indian Ocean Madagascar and the Comoros.

The action should also ensure coordination with the work of ICAO on the AFI Plan and the AFCAC AFI-CIS programme. As such, participation to the ICAO AFI Plan Steering Committee Meetings (twice a year) is important. Participation in these meetings also

contributes to the communication and visibility requirements for all external actions funded by the EU.

3.3 Cross-cutting issues

Governance: Safety is an essential part of Civil Aviation Policies in African countries. These policies need to be improved, applying a holistic approach and taking into account the management standards adopted or promoted by international sector organisations (e.g. ICAO) and/or conventions (e.g. Chicago and Yamoussoukro) and aligning themselves with the African Civil Aviation Policy.

Climate Change/Environment: Civil Aviation Policies must include mitigation measures for emissions released within international airspace. Within the Kyoto Protocol, ICAO was given responsibility for developing such measures. The EU has included aviation within the EU Emissions Trading System. Any policy actions of this kind and in other areas of environment concern in aviation (e.g. noise, water pollution, handling of hazardous materials, etc) should be taken into account by the project stakeholders. This will include the new ICAO CORSIA agreement (Carbon Offsetting and Reduction Scheme for International Aviation).

Gender equality: Civil Aviation Policies should promote a gender sensitive approach to all aspects of civil aviation. Training programmes implemented for transport personnel on relevant gender issues are important, but also other measures such as enhancing career prospects for female civil aviation professionals and applying affirmative action to ensure that more women are represented in the sector. Project stakeholders will be encouraged to promote wider female participation in the sector, in particular for safety issues. Women will be encouraged to take part in capacity building/training activities as much as possible in order to improve female ratios of participation and to enable them to enhance their careers.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG Goal 9, but also promotes progress towards Goal 8. This does not imply a commitment by the countries benefiting from this programme.

The overall objective is to improve aviation safety in Africa.

The specific objective of the EU-Africa Safety in Aviation action is to assist African States to meet their obligations under the Chicago Convention to establish an effective aviation safety oversight system.

The anticipated results are as follows:

Result 1: RSOOs are reinforced

Result 2: The safety oversight regulatory environment is improved

Result 3: Enhanced safety oversight is achieved

Result 4: The safety data collection and analysis is implemented

4.2 Main activities

The main indicative activities are listed below by relevant result. They include the following:

Result 1: RSOOs are reinforced

- Providing institutional and methodological assistance for RSOO. This may require the identification of priorities and the establishment of a roadmap for the improvement of the institutional functioning. Bilateral and multilateral meetings with stakeholder will be necessary.
- Guiding Member States and RSOO in defining clear task allocation between national and regional levels. The project will organise meetings at RSOO level with the concerned stakeholders.
- Contributing to a better recognition of the role of RSOO by their Member States. Participation to regional meetings will be opportunities to further clarify the respective roles of each stakeholder and support the recognition of the RSOO.
- Setting up an exchange platform between the RSOOs to be able to capitalise on each other's experience. Here, EASA will not only be the project manager but an active member capable of sharing its own experience.
- Organising a study on RSOO's sustainability to propose solutions to gain particularly solid financial standing through viable financing mechanisms. This shall represent a key step in view of the long-term sustainability of the action.

Result 2: The safety oversight regulatory environment is improved

- Providing support for the regulatory harmonisation at REC's level. The alignment with the EU regulations is not an immediate objective but will be supported each time there is a clear interest by the beneficiaries.
- Guiding Member States and RSOOs in keeping their regulatory environment up to date and tracing the differences to be filed on the ICAO Electronic Filing of Differences (EFOD) system.
- Organising regulation familiarisation workshop(s) for personnel from the oversight entities and the industry.

Result 3: Enhanced safety oversight implementation is achieved

- Supporting the establishment of pool of safety inspectors at RSOOs and AFCAC level.
- Training regional and national inspectors. This would include the training of trainers, who could in turn become mentors.
- Supporting the emergence of mentors, to coach less experienced inspectors through audits and oversight activities.
- Assisting the AFCAC AFI-CIS programme, through refresher training or covering mission costs.
- Encouraging the development/review of inspectors' guidance materials.

Result 4: The safety data collection and analysis is implemented

- Supporting the implementation of safety data collection tools by facilitating the implementation and the training for the tool usage.
- Training analysts to study the data collected in order for the RSOO to be in a position to produce regular safety analysis report.
- Facilitating the establishment of a network of investigators by providing common training and establishing the platform/mechanism for exchange among themselves.

4.3 Intervention logic

The action will target three levels: continental, regional and national.

AFCAC being the AU Specialized Agency in the field of civil aviation, particularly in charge of monitoring the progress made on the continent toward the achievement of the Abuja safety target, the action will support this organisation through its AFI-CIS programme. The planned activities will be twofold:

- Support the AFI-CIS mission by covering the mission costs of the inspectors travelling to the beneficiary countries. The missions supported will be in line with the objective at regional and/or national levels.
- Provide training to the AFI-CIS pool of inspectors. Two types of training are envisaged: a) refresher training for already active inspectors and b) complementary training for inspectors joining the programme. AFI-CIS inspectors could also benefit from the train-the-trainer programme in order to be able to carry out future training programmes and thus ensure the sustainability of the scheme.

Two other aspects will be addressed at continental level:

- The action will foster the establishment of a platform for exchange between RSOOs. The sharing of experience among RSOOs is deemed important to be able to reach a certain degree of maturity and avoid some of the difficulties already faced with certain RSOOs. For this exchange platform, the European agency will not only be the activity implementer but could play an active role due to its existence of more than 13 years.
- A study for the sustainability of RSOOs is deemed important to be carried out, preferably early in the project, in order to capitalise on its results and start implementing some of its recommendations at the regional level.

At a regional level, the activities to be carried out should take into account the EU funded EA-SA-IO project of the COMESA region, as well as the AfDB-funded *Projet d'Appui au Secteur du Transport Aérien en Afrique Centrale et Occidentale (PASTA-CO)*. Not all the RSOOs will be targeted. ACSAC and ASSA-AC are already benefiting from the AfDB-funded project. The main beneficiaries will be as follows:

- AAMAC in the field of ANS. The work to be carried out will aim at a harmonised regulation in this field, along with the development of related guidance material and procedures. In order to facilitate the recognition of regulations and its implementing tools, workshops will be organised to raise awareness of industry and other involved parties. Should AAMAC be ready for it, assistance in the establishment of a pool of inspectors combined with appropriate training will be provided.
- ACSAC. The assistance provided to ACSAC will focus on the training and assistance in the area of AIG. The RSOO will benefit from the PASTA-CO project which will focus on regulatory harmonisation and the development of guidance material for inspectors, as well as assistance related to the implementation of safety data collection tools.
- ASSA-AC will benefit from the PASTA-CO project focusing mainly on training in the PEL, AIR, OPS and AGA domains. Support should therefore focus on the AIG domain, the implementation of the safety data collection tools and corresponding training needs for analysts. Further institutional and methodological assistance could also be provided.
- BAGAIA in the field of accident investigation. The approach proposed for this RSOO will aim at reinforcing the organisation through the provision of institutional and methodological assistance and support to achieve better recognition. The approach

will also target the establishment of an investigators' network and the provision of training if need be.

- BAGASOO, CASSOA and SASO in the fields of PEL, OPS, AIR and AGA. No ANS assistance will be provided to CASSOA and SASO because both will be benefiting from the EU funded project for COMESA. The main activity foreseen for the three organisations will be related with the provision of training of regional and national inspectors. Support may also be provided for the collection of safety data and their analysis for SASO (both CASSOA and BAGASOO already have such tools in place). This might require the training of analysts.

For all the above mentioned RSOOs, activities to reinforce their recognition at the level of their Member States are envisaged. This will consist of guidance in the clarification of the task allocation between the regional organisation and the national aviation authorities as well as workshops or seminars on the respective roles of the different stakeholders.

The development of a mentor system will be supported through the training of trainers (possibly carried out along with the AFCAC AFI-CIS inspectors) and the possible organisation of training delivered by those newly trained instructors. These instructors could also coach younger/less experienced inspectors during on the field oversight activities and thus contribute to the self-sustainability of the approach

Finally at the national level, some of the countries listed in paragraph 1.1.2 above will receive assistance mainly in the fields of PEL, OPS or AIR. The purpose of the assistance provided will mainly be to assist them toward their removal from the EU Safety List and their contribution to the improvement of the safety oversight at the RSOO level. The choice of countries benefiting from this assistance will be done in coordination with relevant European Commission services (DGs MOVE and DEVCO) in light of the latest outcome of the Air Safety Committee meeting, responsible for the opinion on updates of the EU Safety List.

5 Implementation

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of article 2(3)(c) of Regulation (EU) No. 236/2014.

5.3 Implementation of the budget support component

Not applicable

5.4 Implementation modalities

5.4.1. Indirect management with the European Aviation Safety Agency (EASA)

This action may be implemented in indirect management with the European Aviation Safety Agency (EASA) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation is justified because EASA, as the European Union specialised agency for aviation safety, has a mandate to play a leading role within the EU External Aviation Policy: EASA is a strong counterpart for aviation authorities and RSOOs outside the EU including African countries. EASA also works in close cooperation with the EU national aviation authorities, which would provide some of the expertise required for the action.

The entrusted entity would carry out the following budget-implementation tasks: managing and enforcing contracts concluded for any activities not directly delivered by EASA. This includes running procurement procedures, making payments, accepting or rejecting deliverables, enforcing checks and controls and recovering funds unduly paid. EASA will implement this action through a dedicated long term team of advisors who will take responsibility for the overall management of the action.

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

	EU contribution (in EUR)
5.4.1 – Indirect management with EASA	5 000 000
5.9 – Evaluation	N/A
5.10 – Audit	N/A
5.11 – Communication and visibility	Included in the amount of the delegation agreement
Totals	5 000 000

5.7 Organisational set-up and responsibilities

A project steering committee is envisaged, consisting of at least EASA, AFCAC, RSOOs (ACSAC, ASSA-AC, BAGASOO, CASSOA, SASO, as well as AAMAC and BAGAI), and services of the European Commission. This committee shall meet at least once a year. It will be co-chaired by the European Commission and the African Union Commission. EASA shall act as Secretariat.

In terms of project management, EASA shall put in place a project team and shall draw the implementing experts internally and/or from its contracted implementing partners. A Project

Manager shall head the project team and be responsible for the overall management, implementation, monitoring and follow-up of all project activities.

A regional dimension and a national dimension for specific countries will be followed. The action will not assume all states' immediate buy-in but aim to positively influence overall sub-regional dynamic and bring other states in as the action develops. The activities carried out at the regional level will be tailored to the regional organisation status and identified needs. Although the selection methodology to be adopted for identifying specific countries beneficiary of assistances shall be finalised during the inception phase, this shall include their identified needs and respective level of commitment. This prioritisation of countries will be regularly updated in order to take into account the evolution of the beneficiaries' commitment and/or needs.

5.8 Performance monitoring and reporting

The following related indicators have been proposed as part of the Multi-Annual Indicative Programme 2014-2017 of the Pan-African Programme:

- *Number of delays, diversions and cancellations of flights in Africa [International Civil Aviation Organisation (ICAO)] yearly.*
- *Operation costs of African airports; operation costs per passenger/per movement/work load unit. (ICAO).*
- *Percentage of accidents during approach and landing in Africa (ICAO USAP) yearly.*

In addition, the impact for each result will be measured against performance indicators to be further elaborated by EASA. These could include a set of the following indicators or other agreed indicators:

- ICAO SARPs effective implementation rate
- Number of activities supporting each result
- Number of annual safety reports published
- Number of trained inspectors

The quantification of indicators should apply to the overall duration of the project. The logical framework in appendix to the present document includes activities and indicators which will need to be reviewed throughout the action implementation life to reflect changes in the work plan(s) and prioritisation by the Project Steering Committee. Some indicators are not present in the logframe because they will be determined during the inception phase of the action.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the importance of the action, a final evaluation may be carried out for this action or its components via independent consultants contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that it will inform potential further support to civil aviation safety after the end of the action.

The Commission shall inform the implementing partner at least 3 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and *inter alia* provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.10 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.11 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and included in the budget for the delegation agreement.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Results chain	Indicators	Baselines (2018)	Targets (2020)	Sources and means of verification	Assumptions
Overall objective: Impact	Aviation safety in Africa is improved	Number of African airlines on the EU safety list	Available EU Safety List publication as of baseline date	Reduced number of African airlines on the EU Safety List	EU Safety list	
Specific objective(s):	Effective aviation safety oversight system established	1.1 Effective implementation (EI) rate of ICAO Standards in the targeted sub-regions and countries	1.1 EI rate of ICAO Standards at baseline date	1.1 ICAO Standards effective implementation: 60% (as per Abuja Safety Targets)	1.1 ICAO Universal Safety Oversight Audit Programme (USAOP) Audit reports 1.2 Other ICAO sources of information	Ministries of Transport in the targeted regions interested in improving flight safety

Outputs	RSOs are reinforced	1.1.1 Number of functional RSOs staffed with appropriate technical personnel	1.1.1 Number of RSOs established at baseline date	1.1.1 Five RSOs with out of which three are fully staffed	1.1.1 Project reports, Project steering committee meeting minutes 1.1.2 ICAO minutes and reports 1.1.3 RSOs reports.	Key staff from RSOs and National Aviation Authorities remain in place, thus ensuring the sustainability and capacity building activities
	The safety oversight regulatory environment is improved	1.1.2 EI rate for Critical Elements (CE) 1 to 5 ² of ICAO Standards in the targeted sub-regions and countries	1.1.2 EI rate for CE 1 to 5 of ICAO Standards at baseline date	1.1.2 Improved EI for the CE 1 to 5	1.1.2 ICAO Universal Safety Oversight Audit Programme (USAOP)	Timely availability of ICAO Audit results
	Enhanced safety oversight is achieved	1.1.3 EI rate for CE 6 to 8 ³ of ICAO Standards in the targeted sub-regions and countries	1.1.3 EI rate for CE 6 to 8 of ICAO Standards at baseline date	1.1.3 Improved EI for the CE 6 to 8	1.1.3 ICAO Universal Safety Oversight Audit Programme (USAOP)	Timely availability of ICAO Audit results

2

Critical element 1 — Primary aviation legislation

Critical element 2 — Specific operating regulations

Critical element 3 — State civil aviation system and safety oversight functions

Critical element 4 — Technical personnel qualification and training

Critical element 5 — Technical guidance, tools and the provision of safety critical information

Critical element 6 — Licensing, certification, authorization and/or approval obligations

Critical element 7 — Surveillance obligations

Critical element 8 — Resolution of safety concerns

	The safety data collection and analysis is implemented	1.1.4 Data collection tools per region in place and total number of analysts trained	To be determined by project manager during the inception phase	To be determined by project manager during the inception phase	
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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

CAID ON TABLON
05TH APRIL, 2023

[Signature]
PCA

COMMITTEE ON LEGAL, RULES AND PRIVILEGES

**REPORT OF THE COMMITTEE ON THE CONSIDERATION OF THE PROPOSAL TO
AMEND RULE 80 (6) OF THE RULES OF PROCEDURE OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY**

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

April 2023

1. INTRODUCTION

Articles 49(2)(g) and 60 of the Treaty empower the Assembly to make rules to govern its procedure and the procedure of its Committees. Accordingly, the Assembly made the East African Legislative Assembly Rules of Procedure which the Assembly is currently applying.

2. POWER TO AMEND THE RULES OF PROCEDURE OF THE ASSEMBLY

Article 60 of the Treaty provides that the Assembly may make, amend, add to or revoke rules governing the procedure of the Assembly. In effect, the Assembly has power to amend, add to or revoke its own rules.

The procedure for amendment of the Rules of Procedure of the Assembly is provided by rule 85 of the Rules of Procedure of the Assembly which states as follows:

(1) Any Member may propose amendments to these Rules.

(2) Any Member wishing to propose any amendment to these Rules shall forward his or her proposal to the relevant Committee which shall consider the proposal and report to the House.

(3) Amendments to these Rules shall be adopted only if they secure the votes of the majority of the Members.

(4) Amendments to these Rules shall enter into force immediately following their adoption."

The relevant Committee for the purposes of rule 85 (2) is the Committee on Legal, Rules and Privileges which is mandated under Rule 81 and Annex 5 B(2) (g), to receive and dispose of proposals for the amendment of the Rules of Procedure.

3. PROPOSAL TO AMEND RULE 80(6)

At its sitting held on 14th February 2023, the EALA Commission underscored the need to urgently amend Rule 80 (6) relating to the Membership of each Committee of the Assembly. Consequently, the decision of the Commission was referred to the Committee on Legal, Rules and Privileges through the Committee Chairperson. Specifically, the Commission requested the Committee to review the provision to

replace the word "fifteen" with the relevant number or where possible, cater for any future expansion of the Membership of the Assembly.

Rule 80 (6) provides as follows:

"The Membership of each Committee shall be fifteen and the quorum shall be at least half of the Members".

4. METHODOLOGY

The Committee met on 30th March 2023 in Bujumbura, in the Republic of Burundi, to consider the proposal as received from the EALA Commission. In considering the proposal for amendment of the Rules of Procedure, the Committee referred to the following instruments:

- i. The Treaty for the Establishment of the East African Community;
- ii. The Rules of Procedure of the Assembly.
- iii. Previous reports of the Committee on Legal, Rules and Privileges on the review of Rules of Procedure of the Assembly.

5. POWERS OF THE COMMITTEE ON LRP TO CONSIDER PROPOSALS TO AMEND THE RULES OF PROCEDURE OF THE ASSEMBLY

While considering the proposal from the Commission to amend rule 80(6), the Committee noted that according to rule 85, it is only Members of the Assembly who can propose amendments to the Rules of Procedure of the Assembly. In particular, the Committee found that the Commission is not empowered or envisaged, by our Rules as they are currently, as a body that may propose amendments.

The Committee established that Rule 81 and Annex 5. B. 2 (g) of the Rules of Procedures empowers the Committee to receive and dispose proposals for the amendment of the Rules of Procedures.

The Committee also recognised the functions of Standing Committees under Rule 81 (1) (d), (e), (f) and (h) of the Rules of Procedure of the Assembly which provides as follows:

- "(1) The functions of the Standing Committees shall be to –*
- (d) carry out relevant research in their respective mandate;*

- (e) *examine policy matters affecting their subject areas;*
- (f) *initiate or evaluate action programmes under those subject areas and to make appropriate recommendations thereon;*
- (h) *report to the Assembly on their functions.*

The Committee therefore decided to invoke its mandate under rules 80 and 81 and examine rule 80(6) and make recommendations for the House to consider.

6. JUSTIFICATION FOR THE PROPOSAL TO AMEND RULE 80 (6)

The proposal to amend Rule 80 (6) is aimed at addressing the challenge of the number of Members to the Standing Committees of the Assembly following the increase of the Partner States from 5 in 2015 when the Rules were made to 7 in 2023. It is the tradition of the Assembly to have 3 Members of the Committee from each Partner State.

In December 2022, after inauguration of the 5th Assembly, the Assembly constituted the Standing Committees provided for under Rule 80 with 3 Members from each Partner State. Since Rule 80 (6) provides for fifteen as the number of each Committee, there is urgent need for the Assembly to regularise the Committees, as they are currently constituted by amending Rule 80 (6) to reflect the current membership.

7. OBSERVATIONS OF THE COMMITTEE

While considering the proposal for amendment of Rule 80 (6), the Committee made the following observations:

- (a) The entire Rule 80 needs to be reviewed because Sub Rule (6) was made taking into consideration of the entire Rule.
- (b) The increase in the number of Members of the Assembly requires the Assembly to review the entire Committee system of EALA. In some circumstances, the more the number of Members of a Committee, the less effective the Committee may be while increasing the cost of managing the Committee.
- (c) Committee on Legal Rules and Privileges of the 4th Assembly undertook detailed review of the entire Rules of Procedure of the Assembly and its report was tabled and presented before the Assembly, although it was not debated.

- (d) There is urgent need for the this Assembly to review all the Rules of Procedure of the Assembly. The work already done by the Committee in the 4th Assembly should constitute one of the working documents for the Committee while reviewing the Rules of Procedure.

8. PROPOSAL BY THE COMMITTEE FOR RULE 80 (6)

After examining Rule 80 (6), the Committee considered the following two options:

- i. to review the provision to replace the word "fifteen" with the relevant number; or
- ii. to propose any amendment that will cater for any future expansion of the Membership of the Assembly.

The Committee decided to consider the second option in order to ensure that the amendment takes care of the possibility of increase in Membership in the future without being required to amend this provision.

The Committee therefore presents the following proposal for the Assembly to consider.

80 (6) *The Membership of each Committee shall be twenty one or such other number as may be determined by the Assembly and the quorum shall be at least half the Members of the Committee.*

The above proposal provides for the current membership of Committees and ensures that the Assembly will not be required to always amend this Rule to reflect the number of Member of Committees of EALA.

9. RECOMMENDATIONS

The Committee recommends to the Assembly to:

1. Amend Rule 80 (6) of the Rules of Procedure of the Assembly by substituting the word "fifteen" with the words "***twenty-one or such number as may be determined by the Assembly***"
2. Direct the Clerk to constitute a technical team of to undertake a comprehensive review of the Rules of Procedure of the Assembly and taking into account the gaps, inconsistencies, experience of the Assembly and best practices from national and regional Assemblies and submit recommendations to be considered

by the Committee on Legal, Rules and Privileges as its first activity during the next Financial Year (2023/2024).

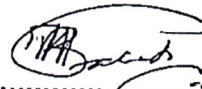
3. Direct the Clerk to circulate to all Members the report of that was prepared by the Committee during the 4th Assembly and request Members of this Assembly to submit any comments and proposals for amendment of the Rules of Procedure for consideration by the Committee on Legal, Rules and Privileges.
4. Resolve that the Committee on Legal, Rules and Privileges should be given extra budget allocation during the next financial year to enable it consider the comprehensive review of the Rules of Procedure of the Assembly. The Committee will need a minimum of ten days to undertake that assignment.

**REPORT OF THE COMMITTEE ON THE CONSIDERATION OF THE PROPOSAL
TO AMEND RULE 80 (6) OF THE RULES OF PROCEDURE OF THE EAST
AFRICAN LEGISLATIVE ASSEMBLY**

1. Hon. Khalfan N. Mashaka



2. Hon. Alex Bahati



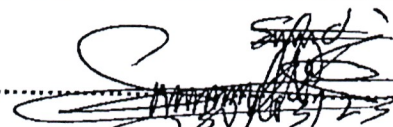
3. Hon. Clement Musangabatware



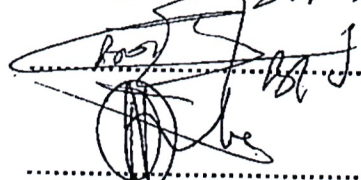
4. Hon. Dennis Namara



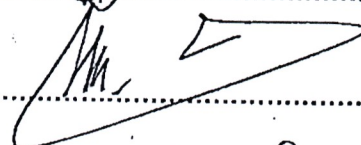
5. Hon. Dr. Gerald Siranda Blacks



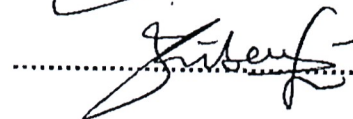
6. Hon. Dr. Ipenda Boulou Desire



7. Hon. Dr. Maghembe Ngwaru



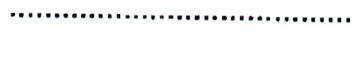
8. Hon. Amb. Dr. Mathias Harebamungu



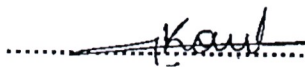
9. Hon. Dr. Saidi Kibeya



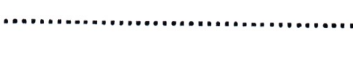
10. Hon. George S. Odongo



11. Hon. Geraldine Kaubo



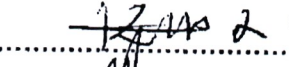
12. Hon. Hassan Omar Hassan



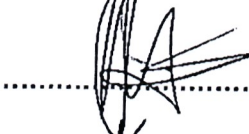
13. Hon. Jeremie Maswama



14. Hon. Kachwamba Ansar Abubakar



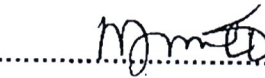
15. Hon. Kanini Kega



16. Hon. Kennedy Kalonzo



17. Hon. Kennedy Mukulia



18. Hon. Kim Gai
19. Hon. Luke Thomas Thoan
20. Hon. Olivier Nkurunziza
21. Hon. Victor Burikukiye
-



EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY

**REPORT OF THE COMMITTEE ON ACCOUNTS
ON THE OVERSIGHT ACTIVITY TO THE EAST AFRICAN HEALTH
RESEARCH COMMISSION**

(14TH - 17TH MARCH 2023: BUJUMBURA, BURUNDI)

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

April 2023

LIST OF ACRONYMS AND ABBREVIATIONS:

DPs	-	Development Partners
D.REACH	-	Digital Regional East African Community Health
EAHRC	-	East African Health Research Commission
EAHSC	-	East African Health Scientific Conference
EACS	-	The East African Community Secretariat
EACJ	-	The East African Court of Justice
EALA	-	The East African Legislative Assembly
EASTCO	-	East African Science and Technology Commission
EAHC	-	East African Health Cloud
EA-CBHS	-	East Africa Cross Border Health Services EA-CBHS
KEMRI	-	Kenya Medical Research Institute
IUCEA	-	Inter University Council of East Africa
NEAT	-	Network for East Africa Tertiary Health Care Services
NIMR	-	The National Institute for Medical Research
MUHAS	-	Muhimbili University of Health and Allied Sciences
REACH PMI	-	Regional East African Community Health Policy making and Implementation
RFA	-	Research Financing and accessing
READSCoR	-	Regional East Africa Disease Surveillance, Control and Response

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1.0 INTRODUCTION

In accordance with Article 134 (3) of the Treaty for the Establishment of the East African Community and Rule 74 (1) and Rule 81 (C) Annex 5(A) of the Rules of Procedure of the East African Legislative Assembly, the Committee on Accounts undertook an oversight activity in Bujumbura – Burundi from 14th – 17th March, 2023.

The objective of this activity was to evaluate the governance and management systems at EAHRC and assess the performance of the Commission's programmes and projects. The importance of the oversight of the EAHRC cannot be over emphasised given the dire lessons the world learnt from the devastation of COVID 19. This pandemic taught the world that health research and innovation is a panacea for the human race.

The report thus showcases the findings, observations and recommendations of the Committee on Accounts. It also highlights the institutional, legal, financial and policy challenges that have bedevilled EAHRC operations

The Committee is fully convinced that the numerous challenges notwithstanding, the EAHRC has the potential to become the leading health research institution in EAC.

2.0 ESTABLISHMENT OF THE EAST HEALTH RESEARCH COMMISSION

The East African Health Commission (EAHRC) is an Institution of the East African Community (EAC). It was established by the EAC Heads of State in June, 2007. The EAHRC is an organ of the Community that is charged with the duty of advising the Council upon all matters of health and health- related research. It is the pillar for health knowledge generation, health technological development, health policy formulation and practice. It is the principal advisory institution to the EAC on Health Research and development.

The overall objective of the Commission is to promote, facilitate and coordinate the conduct and application of health research for the improvement of health and for the wellbeing of the people of East Africa. The specific objectives for the Commission to be established are to;

- i) Establish research programmes, networks, partnerships and centres of excellences in health research;
- ii) Establish capacity development and capacity utilisation programmes;
- iii) Create an environment that is conducive for research, including harmonised regional regulatory affairs and ethics reviews frameworks in the Partner States
- iv) Establish mechanisms for health research knowledge management: and

- v) Mobilise resources to support health research for development.

3.0 METHODOLOGY

While undertaking the oversight activity, the Committee used the following methodology;

3.1 Documents review: -

The Committee reviewed the following documents to understand the roles and other contextual matters pertaining to the existence and operations of the EAHRC.

- i) The Treaty for the Establishment of the East African Community;
- ii) The 5th EAC Development Strategy;
- iii) The Strategic Plan of the East African Community Health Research Commission
- iv) The Rules of Procedure of the East African Legislative Assembly;
- v) The EAC Financial Rules and Regulations;
- vi) The Council decisions relating to EAHRC;
- vii) The EAC Staff Rules and Regulations;
- viii) The Audit Commission Reports on the Accounts of the EAC Organs, Institutions and Programmes for the year ended 30th June 2022.
- ix) Strategic Plan of the EAHRC and other operational matters.

3.2 The Committee also interacted with management of the East African Community Health Research Commission.

3.3 Undertook a field study visit to the land which was donated by the Government of Burundi located at **Kizingwe-Bihara**,

5.0 KEY FINDINGS

The key findings are divided into two parts

- a) Performance of programs and projects of the EAHRC
- b) Financial performance of the EAHRC

4.1 Programs of performance programs and projects of the EAHRC

The Committee reviewed the Performance of the EAHRC in the last three years from 2020/2021, 2021/2022, 2022/2023.

4.1.1 Strategic intervention of Ethics and Research Development

In 2019, the EAHRC undertook a baseline assessment study of clinical trials capacity in the East African Partner States.

The findings showed significant gaps in clinical trials capacity between the EAC Partner States. The report of the findings was shared with the Partner States and the implementation framework was developed.

4.1.2 Research Innovation and development

In this framework, the activity involved the implementation of the digital regional East Africa Community Health Initiative (Digital REACH). In addition, the Regional East Africa Health Cloud baseline and needs assessment of the three common goods of the EAHRC was carried out in 2020.

The findings showed gaps in the EAC Partner States. Worth noting is the fact that additional assessment studies are ongoing to determine the existing digital assets and capability of using the digital assets in the EAC region.

4.1.3 Resource Mobilisation

Under this framework, baseline assessments and mappings were undertaken to determine the sources of domestic financing in Health research in EAC Partner States. The bulk of the budget of the health research is generated from development Partners accounting for 90% of the health funding in the EAC Partner States. The findings were disseminated to the Partner States and a draft concept note proposing new mechanisms to increase domestic financing were developed.

COMMITTEE OBSERVATION:

The Committee observed that EAC Partner States rely heavily on donor funding which tantamount to putting all your eggs in one basket. It exposes EAC and makes it vulnerable to donor funding. This has a negative impact in case the donor pulled out.

COMMITTEE RECOMMENDATION:

The Committee recommends the Assembly to urge the Council of Ministers to set aside funding for Health Research rather than relying entirely on donor funding

4.1.4 Infectious Diseases Programme

Under this programme two studies were undertaken namely; The Cholera and the Covid 19 outbreak.

The cholera study (Whole genome sequence in EAC Partner States). This was undertaken in 2019 based on characterization of vibro cholera from historical outbreaks in East Africa Partner States. The findings were disseminated to Partner States

A covid 19 study aimed at verifying if COVID 19 infections had already occurred in the EAC region prior to 2019 before the first cases of the COVID were reported. The findings showed that there were no COVID 19 infections before the first case were discovered in the region. The study was undertaken in 2021. However, during the dissemination of Covid 19 the report to the EAC Partner States and Development Partners the Centre for Disease Control (CDC) undertook to fund the study on immunogenicity of various COVID 19 vaccines in EAC the Partner States. However, the Protocol could not be funded by CDC Africa because COVID 19 in the region was no longer a health threat.

The Committee recognises and applauds the Health Research Commission and CDC Africa for having been proactive in formulating a regional Protocol to combat COVID 19. However as noted above, COVID 19 incidences declined before this protocol could be finalized. Going forward, although this Protocol was not finalized, various variants of COVID 19 and other virus strains continue to emerge with the region. For example, the Marburg and Ebola outbreaks have been reported in United Republic of Tanzania and Uganda respectively.

The Committee recommends the Assembly to urge the Council of Ministers to as matter of priority fund the finalization of the Covid 19 Protocol that is expanded to cater for other emerging variants in the EAC region.

4.1 How EAHRC has developed Research Agenda in the EAC Region

The Research agenda developed by EAHRC was designed to cover both thematic and emerging health threats within the EAC. It covered the following areas:

- i) Regional East African Community Health Policy making and Implementation on (REACH PMI)
- ii) Infectious Diseases Surveillance: case of Cholera programme
- iii) Regional East African Community Health Research Financing and Accessing (Digital RFA)
- iv) Digital Regional East African Community Health (Digital REACH)
- v) Telemedicine Network for East Africa Tertiary Health Care Services (NEAT)
- vi) East African Health Cloud (EAHC)

- vii) East Africa Cross Border Health Services (EA-CBHS)
- viii) Regional East Africa Disease Surveillance, Control and Response (READSCoR)
- ix) Capacity development

COMMITTEE OBSERVATIONS:

The Committee made the following observations;

- i. Some of the Partner States have no clear well defined research priority areas.
- ii. Lack of funding to develop research proposals for instance, the study on the Covid-19 could not be carried out because of lack of funding despite the fact that the ethical approvals were provided.
- iii. There was lack of harmonized guidelines in the ethics framework for multi country research studies.

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

- i. EAHRC is financially supported to conduct the research priority areas in the EAC Partner States***
- ii. Proposals to harmonize the ethics review frameworks should as a matter of priority be expedited since they provide a cornerstone for guidelines in conducting ethnical and legitimate research.***
- iii. EAHRC should develop health research agenda in line with the EAC development strategy and EAC regional research agenda.***
- iv. Partner States should define the research priority areas on the emerging health threats.***

4.2.1 Health Scientific Conference

Basing on the previous conference, EAHRC has brought on board the following academic institutions from the EAC Partner States as it prepares to convene the 9th East African Health and Scientific Conference (EAHSC). These institutions were enlisted to collaborate with the EAHRC in organising the symposia.

- i) **Kenya**, Kenya Medical Research Institute (KEMRI) and Aga Khan University Kenyatta National Hospital.
- ii) **Burundi**. National Institute of Public Health and Kamenge University Hospital Centre
- iii) **Rwanda**, Rwanda Biomedical Centre and Rwanda Food and Drugs Authority
- iv) **South Sudan**, University of Juba

- v) **In the United Republic of Tanzania**, National Institute for Medical Research (NIMR) and the Muhimbili University of Health and Allied Sciences (MUHAS)
- vi) **In Uganda**, Mbale Clinical Studies Research Institute

However, the Committee was informed that the progress to host this Conference has encountered the following challenges;

- i) Delay by the hosting country (Rwanda) to nominate the National Steering Committee for the Conference which is a prerequisite to hosting the conference;
- ii) Funding challenges have made the preparation of the Conference difficult despite the set time lines;
- iii) The delays in nominating the National Scientific Councils which has a negative impact in the regional steering Committee and in submission of the manuscripts.

The Committee recommends that the Assembly urge the Council of Ministers to address the funding challenges which have made the preparation of the conference difficult, finalise plans for nominating delegates to the National Steering Committees and address the delays in nominating the National Scientific Councils in Partner States.

4.2.2 Un-transferred contributions from Partner States

EAHRC had budgeted to collect revenue amounting to USD 1,872,690 from Partner States, but only received USD 1,203,275; leaving a balance of USD 669,415 uncollected. Consequently, there was uncollected shortfall of USD 669,415 or 36%. This negatively impacted EAHRC from achieving its intended objectives. The shortfall is analysed as below: -

Name	Contribution 2019/2020 USD	Contribution received USD	Variance USD
Republic of Burundi	312,115	0	312,115
Republic of Kenya	312,115	301,081	11,034
Republic of Rwanda	312,115	300,976	11,139
Republic of Tanzania	312,115	301,026	11,089
Republic of Uganda	312,115	300,192	11,923

Name	Contribution 2019/2020 USD	Contribution received USD	Variance USD
Republic South Sudan	312,115	0	312,115
Total	1,872,690	1,203,275	669,415

SOURCE: AUDIT COMMISSION REPORT FOR FINANCIAL YEAR ENDED 2021

COMMITTEE OBSERVATION:

The shortfall in revenue collection negatively affected the implementation of EAHRC planned activities.

COMMITTEE RECOMMENDATIONS:

The Committee recommends to the Assembly to urge the Council of Ministers to ensure that EAHRC receives its remittance to enable it implement its planned activities.

4.2.3 Understaffing

According to the to the approved organisational structure of EAHRC, there are 34 established positions. However, when the Committee scrutinized the staff list it revealed that there were only 6 filled positions with staff on contractual basis while the other 27 positions are vacant as analysed below:

Department	Established positions	Filled positions	Unfilled positions	Details of unfilled positions
Office of the Executive Secretary	11	2	9	Senior Legal Affairs Officer
				Senior Resource Mobilisation Officer
				Senior Public Relations Officer
				Senior Protocol & Conferences
				Senior Planning Officer
				Internal Audit Officer
				Procurement Officer
				M&E Officer
				Senior Personal Secretary
Office of Deputy Executive Secretary – Research	3	1	2	Driver
				Personal Secretary - DES Research

Department	Established positions	Filled positions	Unfilled positions	Details of unfilled positions
Department of Research, Innovation & Development	3	0	3	Principal Health Officer - Research, Innovation & Development
				Research Programmes & Innovation Officer
				Collaborations & Coordination Officer
Department of Research Capacity Development	3	1	2	Training & Entrepreneurship Officer
				Infrastructure & Technology Officer
Department of Ethics, Regulatory Affairs & Research Environment	4	0	4	Principal Health Officer - Ethics, Regulatory Affairs & Research Environment
				Ethics Issues Officer
				Regulatory Affairs Officer
				Quality Control/Quality Assurance
Department of Knowledge Management	3	1	2	Senior ICT Officer
				Data Base & Registry
Office of Deputy Executive Secretary - Finance & Administration	7	1	6	Deputy Executive Secretary Finance & Administration
				Personal Secretary - DES F&A
				Driver
				Principal Human Resource Officer
				Senior Administrative Officer
				Assistant Accountant
Total	34	6	27	

SOURCE: AUDIT COMMISSION REPORT FOR FINANCIAL YEAR ENDED 2021

The Committee further observed that the positions of the Executive Secretary and Deputy Executive Secretary fell vacant in July, 2020 and August, 2020 respectively. However, up to the time of Committee visit, these positions had not been filled.

The Committee observes that in view of the above findings, this has resulted into;

- Lack of continuity of service in case the existing staff reach their tour of duty
- Lack of proper segregation of duties;

- Poor service delivery and under performance;
- Delay in making key management decisions in the implementation of EAHRC objectives.

COMMITTEE RECOMMENDATION:

The Committee recommends to the Assembly to urge the Council of Ministers to ensure that the Management of EAHRC strive to attain optimal staffing levels sufficient to enable it deliver on its mandate. Priority should be given to the recruitment of the Executive Director.

4.2.4 Financial performance for the Budget of 2022/23

When the Committee analysed the strategic plan and the annual operational plans for EAHRC financial years 2021/22. It observed a number of critical operational and strategic areas that are either unimplemented or partially implemented. The failure to implement the planned activities were attributed to funding challenges which left most of the activities underfunded as analysed in the table below.

No	Partner States Funding			
	Activities	Budgeted Amount USD	Actual Amount	%age Execution
1	Staff & Personnel Emoluments	845,640	349,550	41%
2	To conduct Staff Recruitment for Priority Staff to fill the organogram of EAHRC	84,940	7,488	9%
3	EAHRC Staff to attend work related specialised trainings	13,100	2,700	21%
4	To pay Rent and Office Operational Expenses & Supplies	204,760	122,130	60%
5	To convene and conduct 02 EAHRC Commissioners Meetings, 02 General NFP Meetings, attend all EAC Statutory Meetings	201,560	66,536	33%
6	To attend the Pre-budget conference and all the budget meetings including EAC Management Meetings at the HQ and facilitate Annual External Audit	36,930	31,302	85%
7	To strengthen Young East African Research Scientist (YEARS) in research ecosystem skills: Part III & IV, Monitoring & Evaluation of Research, and Strengthening health systems by generated-evidence	78,840	0	0%

8	To develop the 2 nd EAHRC Strategic Plan 2021 - 2026 (To Inception Report)	43,100	2,730	6%
9	To implement telemedicine linking E.A Centres of Excellence (CoE) with other health and academic facilities across the region for advanced and specialized	70,480	7,681	11%
10	To organise a biannual workshop to refine the health data to be collated on the EA Web Portal for Health Information: put in place strategies for collation, update,	36,750	0	0%
11	To print at least 03 issues of the EAHRJ annually	25,450	23,223	91%
12	To print at least 02 issues of the EASci annually	19,500	10,489	54%
13	To convene a regional workshop of East African Journals Editors in Chief to discuss the indexation of the Scientific materials to the EA web portal	39,700	0	0%
14	To convene at least 02 Regional Steering Committee meetings in preparation for the 8 th EAHSC March 2021	33,650	1,256	4%
15	To convene at least 04 National Steering Committee Meetings in preparation for the 8 th EAHSC March 2021	28,800	2,120	7%
16	To convene and hold the 8th East African Health and Scientific Conference March 2021	87,100	17,342	20%
17	To convene and hold consultative meetings with Donors & Development Partners to develop and implement strategies for monitoring & mitigating the 10/90 gap	29,300	0	0%
	Sub Total EAC Partner States	1,879,600	644,547	34%
	Donor Funding (GIZ)			
	To conduct Phase 1 of the COVID19 Study	45,633	21,917	48%
	To conduct Phase 2 of the COVID19 Study	67,283	0	0%
	Sub Total Donor Funding	112,916	21,917	19%
	Grand Total EAHRC Budget	1,992,516	666,464	33%

SOURCE: AUDIT COMMISSION REPORT FOR FINANCIAL YEAR ENDED 2021

COMMITTEE OBSERVATIONS:

- i) The budget implementation and execution was at 50%. The implication is that EACHRC did not implement most of the planned programs and activities.
- ii) Some of the critical areas which are core and have a direct impact on the mandate of the institution were not funded for example, organising biannual workshops to refine the health data to be collated on the EA Web Portal for Health Information.

COMMITTEE RECOMMENDATION:

The Committee recommends the Assembly to urge the Council of Ministers to increase funding for these critical areas which have a huge bearing on the mandate of the EAHRC. These include conducting Staff Recruitment for Staff to fill the organogram of EAHRC and funding the young East African Research Scientist (YEARS) in research ecosystem skills among others.

4.2.5 Low Budget Execution

The total expenditure budget amounted to USD 1, 992, 516 while total actual expenditure for the year amounted to USD 665, 467 resulting into underspending of 1, 327,049 OR 67% as indicated below;

Description	Final Budget USD	Actual amounts USD	Variance USD	Underperformance %
EXPENSES	A	B	C=(A-B)	D = (C/A) *100
Salaries, wages, and employees benefits	853,640	357,038	496,602	58%
Administrative and consultancy	523, 330	214, 823	308, 507	59%
Development Expenses	603, 703	86, 198	517,505	86%
Finance	11, 843	7,408	4, 435	37
Total	1, 992, 516	665, 998	1, 326, 518	67

SOURCE: AUDIT COMMISSION REPORT FOR FINANCIAL YEAR ENDED 2021

It was observed that the total budget amount was **1, 992, 516** while the actual expenditure was **665, 998** with this budget performance noted above, EAHRC will not be able to attain its mandate. When the Committee interacted with the management of EAHRC, it reported that this scenario was due to low remittance from the Partner States and understaffing.

4.2.6 Strategic Plan 2021-2026

A strategic plan is a roadmap for any organisation to achieving its goals or objectives. Without such a management tool, there is no way an organisation can evaluate whether it is on track to achieve its goals. Formulation of strategic plans for EAC Organs and Institutions is anchored on Article 8 of the Treaty Establishing the East African Community which obligates institutions to plan and direct their policies and resources with a view of achieving the objectives of the Organ and Institution. The inception strategic plan covering EAHRC from 2016-2021 lapsed in June 2021.

Drafting of the new one for the period 2021-2026 is underway but the process for approving it was postponed to incorporate inputs from the Democratic Republic of Congo (DRC). A Consultant was procured and is in the DRC collecting data to incorporate in the strategic plan.

In the meantime, while awaiting the finalization of the Strategic Plan, the EAHRC is using the Annual Operational Plan to implement programs which were developed in the first strategic plan. The Committee was informed that other aspects of the programs that were not incorporated in the first strategic plan and were not implemented for different reasons have also been prioritized in the new strategic plan.

COMMITTEE OBSERVATION:

The Committee observed the following: -

- i) EAHRC operating without a strategic plan, is like a ship operating without a rudder. Its long-term strategic objectives are likely to be missed.
- ii) The programs imbedded within the annual operational plan are derived from the strategic plan. For EAHRC to derive their programs from the operational plans is to deny the organisation strategic interventions which in the long run will affect the performance of the EAHRC.

Committee recommendation:

The Committee recommends the Assembly to urge the Council of Ministers to ensure that the process of finalization of the strategic plan of EAHRC is expedited.

4.2.7 The amendment of the Protocol establishment of the EAHRC

The Protocol of Establishing the EAHRC was concluded in 2007 for making available to the Community advice upon all matters of health and health-related research and findings necessary for knowledge generation, technological development, policy formulation and practice;

Due to the reforms that the EAC has been undertaking, certain aspects of the Protocol have been overtaken by time and events, and others have become impossible to implement.

A case in point relates to the admission of new Partner States, which has resulted into big governing boards that the EAHRC cannot afford to facilitate Partner States (since each provides for 9 members to the EAHRC board). This compelled the Council to deem it necessary to amend the Protocol to reduce the members of the Governing Board.

However, the Committee was informed that the Sectoral Council directed the EAC Secretariat and the EAHRC to convene a meeting of health experts from EAC Partner States to analyze the mandate of the Health Department at the EAC the Secretariat and the EAHRC. When complete, the Sectoral Council of Ministers will consider proposals for the amendment of the Protocol.

COMMITTEE OBERVATION

The Committee observed that certain aspects within the Protocol were incorporated in 2007 and were overtaken by events for instance the big governing boards.

COMMITTEE RECOMMENDATION:

The Committee recommends the Assembly to urge the Council of Ministers to urgently expedite the process of amending the Protocol to suit the prevailing circumstances.

5.0 THE BILL ESTABLISHING THE EAHRC:

Initiated in 2015, the EAHRC Bill was developed to coordinate health research and subsequently translate the results of such research finding into policy and practice within the Partner States.

Since its initiation, the Council of Ministers directed the EAHRC to pursue the amendments of the Protocol before embarking on the Bill to avoid contradictions between the two instruments and create harmony.

Ever since the Council gave the guidance, the process of amending the protocol has been slow and tedious characterized by numerous setbacks

COMMITTEE OBSERVATION:

- i) The Bill has been pending for a long time 8 (eight) years has denied the Commission the opportunity of achieving an appropriate institutional framework to execute its mandate.
- ii) The examination and consideration of the EAHRC Bill had not been given priority. The Committee further observed that like in most EAC institutions most deliverables are placed on technical and non-technical issues of which in most instances, have no substantial tangible/core outcomes on the mandate of the Institutions.

COMMITTEE OBSERVATION:

The Council of Ministers resolved that the amendment of the Bill should be considered once the amended protocol is approved.

COMMITTEE RECOMMENDATION:

The Committee recommends the Assembly to urge the Council of Ministers to expediate the amendments of the Protocol such that the proposed amendments to the Bill can be concluded.

5.1 EAHRC LAND DONATED BY THE BURUNDI GOVERNMENT

In 2016, as per Article 2(1) of the Headquarters Agreement between the Government of Burundi and the EAC, the Government of Burundi donated land to the EAHRC to build the permanent EAHRC HQ. The land is located at Kizingwe-Bihara, Bujumbura with a total acreage of 6(six) hectares (2 ha 4a 95Ca 97%). This came against the back drop of the fact that EAHRC HQ is currently in renting office premises at Quartier Kigobe, Avenue des Etats Unis, No:71 where it is paying an exorbitantly monthly expense of 4500 USD per month.

The area was allocated to organisations by the Government of Burundi to various international and Government organisations to construct offices. So far, no organisations have constructed or started construction works.

As part of the preparatory works and in compliance with the Council directive, the EAHRC requested Partner States to nominate their respective Regional Experts

Steering Committee (RESC) members and technical experts to oversee the Construction of the permanent the EAHRC HQ. The composition of the RESC to develop terms of Reference include; professional architects, engineers – Civil & Structural and Procurement experts. The mandate of these groups is to develop the Terms of Refence and also formulate the Bills of Quantities (BOQ).

The Committee was informed that the 1st and 2nd RESC of the permanent EAHRC- HQ were convened at EAHRC HQ in Bujumbura on the 12th – 22 of July and 6- 7 March, respectively. As a result of these meetings, 8 (eight) firms submitted to the construction of the EAHRC headquarters.

When the Committee visited the proposed site, it noted that the area was still undeveloped with no infrastructure facilities such as water, electricity, internet services etc.

The Committee was informed that other issues hindering the commencement of the construction of the headquarters include;

- a) **Absence of the land title.** This is attributed to the policy of the Government of Burundi which issues land titles when construction works have commenced and have reached a 50% phase. However, the Government of Burundi has given the EAHRC Attribution Letter for the land.
- b) **Prototype/ Building plans.** This awaits the finalization of the reports from the Regional Experts Steering Committee and the Host Expert Steering Committee. In addition, the Committee observed that EAHRC had budgeted for 66,200 but the actual funding received was 29,962 towards the design and completion of the Prototype of the EAHRC permanent HQ.

COMMITTEE OBSERVATIONS:

- i) The Committee applauds the Government of Burundi for allocating land for office accommodation of the EAHRC.
- ii) The area is still undeveloped without basic facilities such as water, electricity etc
- iii) The amount of funds being incurred by the EAHRC towards rental expense is too exorbitant for 6 staff members. EAHRC is incurring a cost of 4500 USD per

month which translates to 54,000 per year and ultimately 270,000 USD for a period of 5 years.

- iv) Most office space at the EAHRC remain unoccupied and not in use.

COMMITTEE RECOMMENDATIONS:

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

- i) Avail funding towards the completion of the prototype and construction of the EAHRC offices***
- ii) Direct the regional and the host Steering Committees to finalise the prototype and building plans such that the construction of the EAHRC Commission can commence.***
- iii) Direct EAHRC to procure another office building which is affordable and can accommodate the current staff members to avoid wastage.***

6.0 MANDATE OF THE EAHRC VIS A VIS THAT OF THE EAC HEALTH DEPARTMENT

The Committee studied and analysed the mandate of the EAC Health department vis a vis the mandate the EAHRC. Although the mandate of the health department largely relates to prevention and control of communicable and non-communicable diseases, the EAHRC on the other hand is mandated to undertake research in medical and Information technology Communication (ICT) areas.

Upon further analysis on the functions and mandates of the two institutions, the Committee noted that they are duplicated and are in conflict. Article 118 (e)(f) of the Treaty for the Establishment of the East African Community and Article 8 of the Protocol on the Establishment of the East African Health Research Commission spells out the scope of the EAC Health department and that of the EAHRC. The areas under duplication and similarity relate to;

- i) **Research.** Both EAHRC and the Health department carry out research. Whereas the Health department carries out operational research, EAHRC too carries out research and coordinates overall research in the health sector.
- ii) **Policy development, guidance and harmonization.** Both EAHRC and the EAC Health Department provide guidance and policy briefs on projects and programmes which are eventually disseminated to Council.
- iii) **Collaborating entities.** The collaborating entity at Partner States level for the EAHRC are the National Health Research Organisations as the case in Uganda which is under the Ministry of Health. Whereas the collaborative entities for the EAC Health department are the respective Ministries of Health. Therefore, Health Research Commission as provided under article 118 of the Treaty, combining the two entities would go a long way to synergize and reduce duplicity as enumerated above.
- iv) **Resources mobilization.** Both the EAHRC and the EAC Health departments carry out resource mobilisation programs to support their respective entities.

However, the Committee considers that Council could explore avenues of merging EAC health department with EAHRC. Once established, it would strengthen and give the new Institution a wide latitude to undertake research in medical related fields as well as carry out preventative and control of communicable and non-communicable disease. In addition, it would create an East African Community Health and Research Commission headed by the Executive Director deputized by two Deputy Executive Directors. One in charge of research and development while the other would be in charge of Health. This is the case as it currently obtains in West Africa Economic block (Ecowas) where the Regional Economic Community created a Commission that is responsible for research and Health in the Economic Community of the West African States. This institution would be hosted in Bujumbura, Burundi

The Committee recommends the Assembly to urge the Council of Ministers to consider strengthening EAHRC and merge it with the EAC Health. The merger would attract funding for the critical programs in Health and research respectively.

7.0 INSTITUTIONAL ACHIEVEMENT

The organisation registered the following achievements

- i. Acquisition of the plot which was donated by the Government of Burundi where the EAHRC is going to construct its headquarters;

- ii. A basement assessment in the East African Community Partner States on sources of funding health research was concluded;
- iii. Concluded the development of the digital regional East Africa Community initiative;
- iv. Capacity development programs to strengthen the young East African research scientists were undertaken;
- v. Published the East African Health Research journals;
- vi. Concluded the development of the East African Community web portal which is the one- stop centre for health information in EAC. All health- related information is posted and found in this web portal;
- vii. Organised the East African Health and scientific conference. EAHRC has so far organised three conferences; and
- viii. Development of policy briefs which have been shared with Partner States on antimicrobial resistance and COVID I9 response.

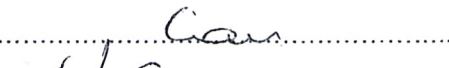
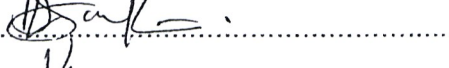
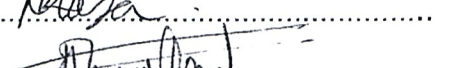
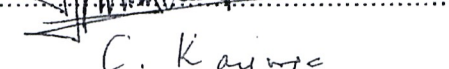
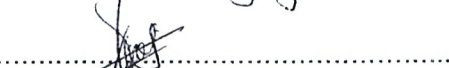
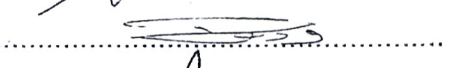
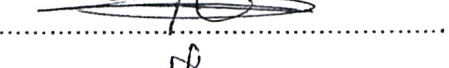
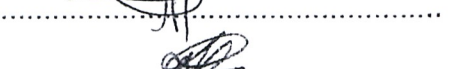
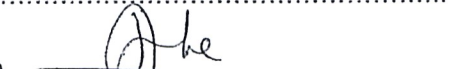
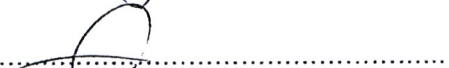
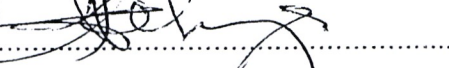
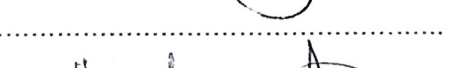
8.0 CONCLUSION

Funding is a prerequisite for the smooth running of all Organs and Institutions of the Community. It is a panacea and at the heart of the integration process. From the Committee findings it is clear that Council long abdicated its role towards the funding of one of the most critical institutions in EAC. Most programs remain underfunded and without the critical staff personnel to execute its mandate including EAHRC. The Committee urges Council to fully support strategies and programs geared towards strengthening the mandate of the EAHRC. The Committee calls upon Council to avail funding towards constructing a permanent home for EAHRC.

9.0 ACKNOWLEDGMENTS

The Committee wishes to thank the Rt. Hon. Speaker, the Clerk and the Management of EAHRC for the excellent facilitation accorded to it while executing its mandate.

**REPORT OF THE OVERSIGHT ACTIVITY FOR THE ACCOUNTS COMMITTEE TO
THE EAST AFRICAN HEALTH RESEARCH COMMISSION; 14TH -17TH MARCH
2023**

- | | | |
|-----|-----------------------------------|--|
| 1. | Hon. Mundela Mbombo Joseph |  |
| 2. | Hon. Kezimana Cathy |  |
| 3. | Hon. Ntisezerana Gabriel |  |
| 4. | Hon. Dr. Boulu Ipenda Desire |  |
| 5. | Hon. Nkurunziza Olivier |  |
| 6. | Hon. Masirika Ngoniza Dorothee |  |
| 7. | Hon. Iman Falhada Dekow |  |
| 8. | Hon. Sankok David Ole |  |
| 9. | Hon. Kalonzo Kennedy Musyoka |  |
| 10. | Hon. Musangabatwere Clement |  |
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| 12. | Hon. Rutazana Francine |  |
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| 14. | Hon. Dr. Arol Gabriel Garang Aher |  |
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| 16. | Hon. Mohamed Nadra Juma |  |
| 17. | Hon. Dr. Maghembe Ngwaru Jummane |  |
| 18. | Hon. Kizigha Angela Charles |  |
| 19. | Hon. Kakooza James |  |
| 20. | Hon. Odongo George Stephen |  |
| 21. | Hon. Babirye Veronica Kadogo |  |



EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY

PAPER LAYED
Paper laid on the table
of the House by the
Chair, RA CD Dr.
Siranga Bwacha
20 June 2023
Mutege
2/6/2023
SCLA

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT
RESOLUTION**
**TO ASSESS THE PROGRESS MADE IN THE DEVELOPMENT OF THE DRAFT EAC
REFUGEE MANAGEMENT POLICY**
(14th -17th March 2023 Nairobi, Kenya)



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

June, 2023

LIST OF ACRONYMS

CORM:	Committee of the Refugee Management Chiefs
CRA:	Commission of Refugees Affairs
DRS:	Directorate of Refugee Services
EAC:	East African Community
EALA:	East African Legislative Assembly
ECOWAS:	Economic Community of West African States
ICGLR:	International Conference for the Great Lakes Region
IDP:	Internally Displaced persons
IGAD:	Intergovernmental Authority on Development
MINEMA:	Ministry in charge of Emergency Management
MOU:	Memorandum of Understanding
NGO:	Non-Governmental Organization
OAU:	Organization of African Unity
ONPRA:	Office National pour la protection des Refugees at Apatrides
OPM:	Office of the Prime Minister
RACR:	Regional Affairs and Conflict Resolution
RAS:	Refugees Affairs Secretariat
RSD:	Refugee Status Determination
SADC:	Southern African Development Community
TWG:	Technical Working Group
UNHCR:	United Nations High Commissioner for Refugee

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1.0 INTRODUCTION

Article 49 (2), (d) of the Treaty for the establishment of the East African Community inter alia that "the Assembly shall discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty.

In accordance with the Rules of Procedure of the Assembly, East African Legislative Assembly established its standing committees to efficiently discharge its mandate. The Committee on Regional Affairs and Conflict Resolution is one of the Standing Committees of the Assembly and is responsible for:

- (a) examining, discussing and making recommendations to the Assembly on all matters relating to peace and security in the Community, including:
 - (i) political matters;
 - (ii) regional peace and security;
 - (iii) defence matters;
- (b) initiating and conducting studies, investigations on regional peace and security;
- (c) receiving reports and complaints on non-compliance or non-implementation of provision of the Treaty, programmes and activities of the Community relating to regional peace and security and political matters.

Article 124 of the Treaty for the Establishment of the East African Community provides for various aspects of regional peace and security in the region. It stipulates that Partners States are required to establish Common Mechanisms for the Management of Refugees.

It is for this reason that the Committee on Regional Affairs and Conflict Resolution (RACR) undertook an oversight activity in Nairobi, Kenya from 14TH -17TH March 2023 to assess the progress made in the development of the draft EAC Refugee Management Policy.

The team was comprised of the following Members:

- i. Hon. Siranda Gerald Blacks – **Chairperson**
- ii. Hon. Bigirimana Goreth
- iii. Hon. Karerwa Mo-Mamo
- iv. Hon. Ewanga Ise'wanga Jean
- v. Hon. Kalala Kwete Evariste
- vi. Hon. Kaubo Kalwa Geraldine
- vii. Hon. Hassan Hassan Omar
- viii. Hon. Kurgat Zipporah Jesang

- ix. Hon. Shahbal Suleiman Said
- x. Hon. Amb. Dr. Harebamungu Mathias
- xi. Hon. Nyiramana Aisha
- xii. Hon. Uwumukiza Francoise
- xiii. Hon. Teny Luke Thomson Thoan
- xiv. Hon. Thoar Gideon Gatpan
- xv. Hon. Dr. Leonardo Anne Itto
- xvi. Hon. Machano Ali Machano
- xvii. Hon. Millya James Kinyasi
- xviii. Hon. Dr. Shogo Richard Mlozi
- xix. Hon. Mugenyi Mary Rutamwebwa
- xx. Hon. Amongin Jacqueline
- xxi. Hon. Manirambona Anastase

2.0 BACKGROUND

Refugees are people who have fled their own countries due to war, violence, conflict or persecution (for reasons of race, religion, national political opinion or membership in a particular social group) and have crossed an international border to find safety in another country upon being granted refugee status. Refugees can be categorized as migrants, asylum seekers, internally displaced persons, stateless persons, war refugees, religious or political affiliation refugees and hunger refugees.

One of the fundamental principles of the East African Community is peaceful settlement of disputes and peaceful co-existence. In effect, the Community aspires to have a prosperous, competitive, secure, stable and politically united East Africa.

Unfortunately, countries in East Africa are in the midst of an exceptional refugee crisis. There has been a sharp increase in the number of refugees from within and outside the East Africa region. Today there are 4.9 million refugees scattered across the region due to armed conflict and instability in the Republic of South Sudan, Republic of Burundi, Federal Republic of Somalia and Democratic Republic of Congo. Other factors that have caused refugees are drought, flooding, food shortages and localized violence among others. It should be noted that out of the 4.9 million refugees in East Africa, the Horn of Africa and the Great Lakes region, 2.8 million are East Africans and 1.9 million are internally displaced persons. Uganda with 1.44m, Rwanda with 163,377, Burundi 73,550, South Sudan 298,854, Kenya with 466,134 and Tanzania with 351,284 (UNHCR refugee statistics)

Article 7 (8) of the Common Market Protocol states that the movement of the refugees shall be governed by the relevant international conventions. Goal 8 of the EAC strategy on Regional Peace and Security provides for the establishment of Common Mechanisms for the management of Refugees.

The mandate to develop a Common Mechanism for the management of refugees was derived from Article 124 of the EAC Treaty, paragraph (4) (h). In addition, Article 10 of EAC Peace and Security protocol requires Partner States to establish Common Mechanisms for the management of refugees through, among others harmonization of their policies, laws, strategies and programmes.

To give effect to the above treaty provisions, at its 5th meeting held in September 2013 the EAC Chiefs of Refugee Management Entities (CORM) directed its Technical Working Group (TWG) to work with the EAC Secretariat towards developing a common policy on refugee management.

With support from United Nations High Commissioners for refugees (UNHCR), the EAC Secretariat procured the services of two consultants in 2019 to develop a draft EAC Refugee Management Policy. In June 2020, the Draft Policy was presented to the TWG and thereafter to the CORM for consideration. The CORM approved the Draft Policy on 16th June 2022 and recommended that it is sent for consideration to the Sectoral Council on Interstate Security and adoption by the EAC Council of Ministers.

3.0 OBJECTIVES OF THE ACTIVITY

The objectives of the activity were to understand the:

- i. Draft EAC refugee management policy;
- ii. Key consultation process and key findings;
- iii. Challenges faced in the development of the policy;
- iv. Road map to the draft policy.

4.0 METHODOLOGY

While undertaking this activity, the Committee used the following methodology;

- i. The Committee met in Nairobi, Kenya from 14th -17th March, 2023; and
- ii. Had an interactive meeting with Mr. Senai Terreffe (UNHCR Senior Regional Policy advisor) and Mr. Gerald Owachi, one of the two experts who drafted the EAC Refugee Management Policy.

5.0 KEY FINDINGS

The Peace and Security department of EAC in conjunction with the department of Social Sectors worked with UNHCR to undertake a study in 2010 on the Harmonization of Refugee Policies and Legislation in the East African Community which informed the development of the Draft EAC Policy on Refugee Management. The study among others called for the development of a Common Refugee Management Policy to serve as a benchmark for harmonization of the national refugee policies and Laws.

In March 2010, the UNHCR and EAC signed a MOU resulting into the formation of the Committee of the Refugee Management Chiefs mandated to examine the progress of the refugee management Policy through regular regional validation meetings

The MOU focused on:

- i. Conflict prevention and peace building;
- ii. Early warning and responses;
- iii. Movement of persons, immigration and refugees;
- iv. Human trafficking and mixed migration population movement; and
- v. Promotion and protection of human rights in East Africa:

The priority engagements of the EAC Refugee Management Policy were to;

- i. Ensure fair and efficient refugee status determination procedures across EAC region in accordance with applicable international refugee laws;
- ii. Promote effective access and inclusion of refugees in basic services in the East African Community;
- iii. Mainstream the needs of refugee women, children and youth into national and regional development plans
- iv. Create efficient coordination platforms with UNHCR for refugee management, early warning and contingency planning.

5.1 Key Areas of the Draft Policy

The Committee of the Refugee Management Chiefs charged with the function of refugee management (CORM) spearheaded the development of this EAC Refugee Management Policy and once adopted will play the leading role in monitoring its implementation.

The policy was developed around 17 key areas for harmonization defined by the 6th and 7th meetings of the Chiefs of Refugee Management Entities held in Nairobi, from 15th - 17th May 2018 and 17th -19th December, 2018. The key areas are listed below: -

- i. Access to territory and asylum procedures by asylum seekers;

- ii. Fair and efficient refugee status determination procedures;
- iii. Enhancing border management systems, security and procedures;
- iv. Reception, registration, electronic documentation and national databases;
- v. Inclusion of refugees in national and regional development plans;
- vi. Coordination platform with UNHCR and other development partners for refugee management, early warning and contingency planning;
- vii. Protection of rights to refugees such as freedom of movement, rights to access education, employment, health e.t.c;
- viii. Durable solutions for refugees, mechanism for responsibility sharing and complementary pathways;
- ix. Environmental management and protection;
- x. The role of the host communities, local authorities, national NGOs in refugee management;
- xi. Integration of refugee management in the national development plans and local budgets of the host countries;
- xii. Integrate the host community needs in the refugee response framework;
- xiii. Maintaining the civilian character of asylum;
- xiv. Maintaining the humanitarian character of asylum;
- xv. Capacity building for national NGOs and integration of local content in the management of refugee;
- xvi. Joint capacity development /strengthening of government institutions and other development partners; and
- xvii. Regional resource mobilization strategies.

5.2 National Consultative Meetings

National consultations that formed a key basis for the development of this draft policy were held in each of the Partner States as follows:

- i. Republic of Rwanda (Ministry in charge of Emergency Management (MINEMA) from 14th- 15th February 2019;
- ii. Republic of Uganda (Office of the Prime Minister (OPM) from 18th- 19th February 2019;
- iii. Republic of Burundi (Office National pour la protection des Refugees at Apatrides (ONPRA) from 5th-6th March 2019;
- iv. Republic of Kenya (Refugees Affairs Secretariat (RAS) from 21st-22nd February 2019;
- v. Republic of South Sudan (Commission of Refugees Affairs (CRA) from 25th- 26th February 2019; and

- vi. The United Republic of Tanzania (Directorate of Refugee Services (DRS) from 28th February – 1st March 2019.

The National Consultations were framed around the key areas identified by the May 2018 Meeting of the CORM as priority issues for inclusion in the EAC Refugee Management Policy. The outcome of this consultation process was a comprehensive situation analysis report which documented the structures and processes as well as the different approaches being used by the individual Partner States to manage responses to refugee situations.

5.3 Key Stakeholders in the development of the Policy

Representatives from the key government ministries and entities listed below participated in the National Consultations in each of the Partner States: -

- i. Ministry responsible for the management of refugee issues, Local government, Internal Security and Finance;
- ii. National Planning Agency;
- iii. Ministry of East African Affairs;
- iv. Ministry of Justice and Constitutional Affairs;
- v. Ministry of Health;
- vi. Ministry of Defense;
- vii. Ministry of Education;
- viii. Ministry responsible for Gender Affairs;
- ix. Department /Directorate of Immigration;
- x. Law reform Commission;
- xi. Human Rights Commission; and
- xii. Relevant Non- State Actors / Civil Society.

5.4 Domestic Legal and Policy Frameworks

All EAC Partner States have adopted legislation to domesticate international refugee instruments and to govern other aspects of refugee management namely;

i. The Republic of Kenya

Refugee matters are governed by the Refugee Act, 2021 the Country is in the process of developing new regulation to operationalize the new Act.

ii. The Republic of Burundi

The new laws related to the regulation of migrants was gazetted on 5th November 2021. The new law (no1/25) repeals the 2008 asylum and refugee protection law.

iii. **The Republic of Rwanda,**

The general legislation governing refugees and asylum seekers is the National Law 13ter/2014 relating to refugees.

iv. **The Republic of South Sudan**

Relevant legislations like the Refugee Act 2012 and Refugee Status Eligibility Regulation, 2017 were adopted.

v. **The United Republic of Tanzania**

The principal instruments on refugee matters are the Refugee Act, No. 9 OF 1998 and the National Refugee Policy of 2003.

vi. **The Republic of Uganda**

Refugee management is provided for under the Refugee Acts of 2006 and the Refugee Regulation of 2010.

In all Partner States, refugee specific instruments are complemented by other general legislations which deal with matters such as citizenship and nationality, labour, human rights and child protection.

5.5 International, Regional Legal and Policy Instruments used in the Policy

- i. Treaty for the Establishment of the East African Community of 1999;
- ii. Protocol on the Establishment of the East Africa Community Common Market;
- iii. The East African Protocol on Peace and Security of 2013;
- iv. 1967 Protocol relating to the status of refugees;
- v. OAU Convention governing the specific aspects of refugee problems in Africa of 1969;
- vi. African Charter on Human and Peoples' rights;
- vii. UN convention against torture and other cruel, inhuman or degrading treatment or punishment;
- viii. Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 convention and the 1967 protocol relating to the status of refugees reissued in Geneva, December 2011;
- ix. UN High Commissioner for Refugees (UNHCR), Guidance on responding to irregular onward movement of refugees, September 2019;
- x. AU agenda 2063 on peace, security and stability;
- xi. The Kampala Convention for the protection and assistance of Internally Displaced Persons.

5.6 Challenges identified by the committee in developing the policy

- i. It was evidently clear that individual EAC Partners States are significantly feeling the “strain and stretch”- especially in terms of resources- associated with hosting refugees. This is due to the fact that most of the EAC Partners States are struggling to improve the social-economic conditions of their respective states;
- ii. Partner States’ policies and legislations on refugees do not comprehensively cover some key aspects of refugee management in the region;
- iii. Lack of uniformity in implementation of international instruments on refugees across Partner States;
- iv. Limited institutional capacity for refugee management in Partner State;
- v. Continuous conflicts in countries of origin of refugees and the related risk of mass influxes of refugees to the neighboring Partner States. This may create difficulties in the implementation of Refugee Management Policy;
- vi. Limited financial resources for effective implementation of the Policy;
- vii. Limited local capacity and involvement in management of refugee programmes;
- viii. Porous borders which might cause challenges in the implementation of the Policy impractical;
- ix. Climate change and its impact on refugees and host communities;
- x. No joint coordination and harmonization of refugee laws for smooth operation;
- xi. Competition for resources with the host communities.

At its 8th Meeting held in Nairobi, Kenya on 16th June 2022, the Chiefs of Refugee Management Entities, observed that this Draft Policy provides a good basis for Partner States to strengthen national asylum systems, emergence of new partnerships and development of regional approaches to current and future refugee protection challenges.

Accordingly, the Chiefs of the Refugee Management Entities approved the draft EAC Refugee Management Policy for consideration by the Sectoral Council on Interstate Security and adoption by the Council of Ministers

6.0 GENERAL OBSERVATIONS

At the time of the oversight activity, the Committee observed that;

- i. The Memorandum of Understanding between EAC Secretariat and the United Nations High Commissioner for Refugees of March 2010 which enjoins them to cooperate on a range of refugee - related issues had expired;
- ii. The process of drafting the Policy was more consultative and therefore request similar consultations to be carried out in DRC for their views to be included in the Policy;
- iii. The Committee observed that EAC needs to reaffirm and share good practices to implement its commitments or pledges at the Global Refugee Forum and share best practices with IGAD's Nairobi process;
- iv. There were shortcomings in the national laws to inform a regional refugee Management policy in terms of harmonization of the policies;
- v. There was a delay in developing this policy yet new trends are emerging and may not have been included in the analysis; and
- vi. UNHCR statistics showed that out of the 4.9 million refugees in East Africa, the Horn of Africa and the Great Lakes region, 2.8 million are East Africans and 1.9 million are internally displaced persons.

7.0 RECOMMENDATIONS

7.1 The Committee recommends to the Assembly to urges the Council of Ministers to direct EAC Secretariat to:

- i. Renew the Memorandum of Understanding between EAC Secretariat and the United Nations High Commissioner for Refugees;
- ii. Develop the regional action plan for implementation of this Policy;
- iii. Coordinate and guide the overall implementation of this Policy and the regional Action Plan;
- iv. Disseminate information about the Policy across the Partner States;
- v. Facilitate the implementation of actions that require intervention at regional level;
- vi. Establish sustainable partnerships with UNHCR, development and other relevant partners, for technical and financial support in the implementation of the Policy;

- vii. Report on the implementation progress of the Policy to Sectoral Council on Peace and Security; and
- viii. Benchmark with the Regional Economic Communities such as IGAD, ECOWAS, SADC and ICGLR to learn best practices in order to enhance regional economic growth.

7.2 The Committee recommends to the Assembly to urge the Council of Ministers to direct Partner States to;

- i. Set up effective institutional structures and mechanisms for implementing and monitoring the Refugee Management Policy and allocate adequate financial and human resources for this purpose;
- ii. Align their refugee management practices to the Policy;
- iii. Establish or strengthen their institutional arrangement for refugee management to ensure effective implementation of the Policy; and
- iv. Allocate adequate resources for the implementation of the policy.

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

- i. Seek Democratic Republic of Congo's views to be included in the Policy;
- ii. Follow up with the department of Peace and Security that commenced the process of drafting the Policy so that it is included on the agenda for the next Sectoral Council on Interstate Security scheduled for May 2023; and
- iii. Give this draft EAC Refugee Management Policy a priority and adopt it.

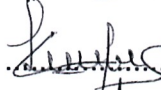
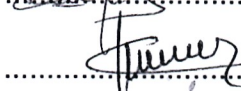
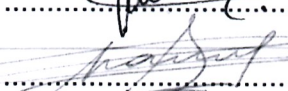
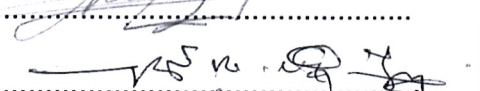
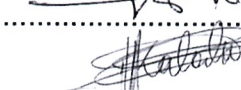
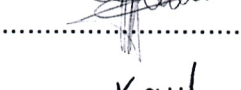
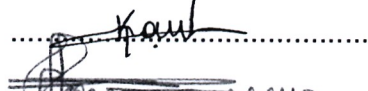
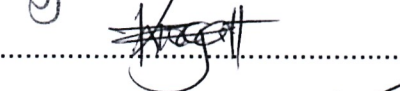
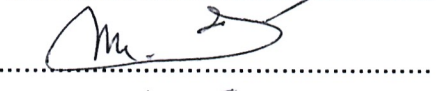
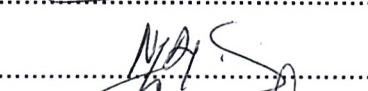
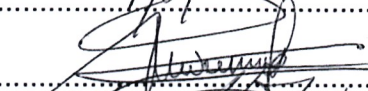
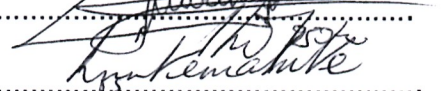
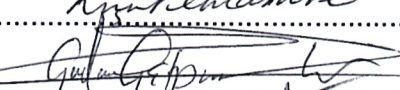
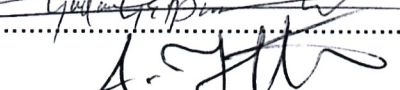
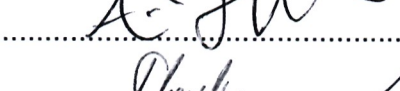
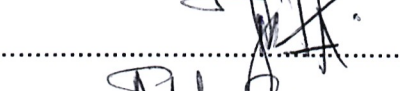
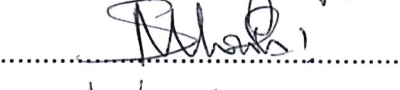
7.4 The Committee recommends to the Assembly to;

- i. Start modalities of coming up with a Bill that will help in the implementation of the policy.

8.0 Acknowledgment

The Committee on Regional Affairs and Conflict Resolution wishes to thank the Rt Hon. Speaker and the office of the Clerk for facilitating it to carry out its oversight function. The Committee further appreciates the experts for the information shared.

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT
RESOLUTION TO ASSESS THE PROGRESS MADE IN THE DEVELOPMENT OF THE
DRAFT EAC REFUGEE MANAGEMENT POLICY ;14TH -17TH MARCH 2023**

1. Hon. Siranda Gerald Blacks 
2. Hon. Bigirimana Goreth 
3. Hon. Karerwa Mo- Mamo 
4. Hon. Manirambona Anastase 
5. Hon. Ewanga Ise'wanga Jean Bertrand 
6. Hon. Kalala Kwete Evariste 
7. Hon. Kaubo Kalwa Geraldine 
8. Hon. Hassan Hassan Omar 
9. Hon. Kurgat Zipporah Jesang Kering 
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18. Hon. Millya James Kinyasi 
19. Hon. Dr. Shogo Richard Mlozi 
20. Hon. Mugyenyi Mary Rutamwebwa 
21. Hon. Amongin Jacqueline 

ENLA



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL OF MINISTERS
AND PARTNER STATES TO ENHANCE THE EFFECTIVE PARTICIPATION OF
WOMEN AND YOUTH IN BUSINESS AND TO EQUIP THEM TO TAKE
ADVANTAGE OF THE OPPORTUNITIES UNDER THE AfCFTA**

*(Moved under Articles 49(2)(d), 59(1), 120, 121(a)(c) &(e) and 122 of the Treaty
and Rule 26 of the Rules of Procedure of the Assembly)*

**Moved by: Hon. Francoise Uwumukiza and adopted by the August House on
22nd June, 2023**

WHEREAS the Community recognises the importance of women as a vital economic link between agriculture, industry and trade and committed in Article 122 of the Treaty to increase the participation of women in business and to promote special programmes for women in small, medium and largescale enterprises;

AND WHEREAS under Article 120 of the Treaty, Partner States undertook to cooperate in the development and implementation of a common approach towards the youth and other disadvantaged and marginalised groups in the Community;

NOTING that one of the primary objectives of the Agreement for the Establishment of the African Continental Free Trade Area (AfCFTA) is inclusive socio-economic development, with opportunities for women and youth and the importance of gender equality;

FURTHER NOTING that Article 27 (2) (d) of the African Union Protocol on Trade in Services, also enshrines the commitment of Member States to improve the export capacity of both formal and informal service suppliers, with particular attention to micro, small and medium size; women and youth service suppliers;

RECOGNISING that women in Africa are predominantly engaged in subsistence agriculture and make up a large part of the agricultural labour force and produce much of Africa's food with over a majority of cross-border traders, especially those engaged in informal trade, being women;

CONCERNED that for decades, women and youth in the EAC region have been trapped in poverty cycles due to several underlying factors including unequal access to education, factors of production, and trade facilities; inequitable labor-saving technologies; underpaid or unpaid labour; harmful cultural practices; and limited legal protection from gender inequality practices entrenched in society;

FURTHER CONCERNED that due to the lower literacy levels, women are more likely to face difficulties in complying with border management procedures given the paperwork requirements, such as sanitary and phytosanitary certificates, certificates of origin, trade permits and export certificates which limit and affect their access and participation in trade and development activities;

GRATEFUL to the Council of Ministers and our Partner States for their collective efforts in promoting the movement of goods and services across borders under the Common Market generally and enhancing the participation of women in business in particular, through the adoption and implementation of the EAC Strategy for Promoting Women in Business and Women's Socio-Economic Empowerment, the removal of several tariff and non-tariff trade barriers, the implementation of the EAC Single Customs Territory and the application of the revised EAC Rules of Origin which have eased doing business in the region.

GRATEFUL to the East African Women in Business Platform which in collaboration with the East African Business Council and with support of TradeMark East Africa are currently implementing the Greater Inclusion of Women in Trade Project under which the Community aims to increase the value of trade done by women owned businesses in the EAC regional trade;

CONVINCED that pursuant to their commitment under Article 122(e) of the Treaty, the Council of Ministers and the Partner States need to enhance their support for women entrepreneurs and producers and the national and regional associations of women in business in order promote the effective participation of women in trade and development and to equip women in business to take full advantage of the potential and the opportunities available to them through the AfCFTA.

AWARE that under Article 49(2)(d) of the Treaty, the Assembly may discuss any matter pertaining to the Community and make recommendations to the Council;

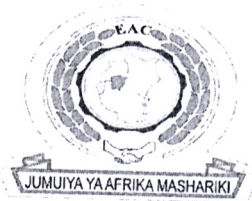
NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -

THAT in accordance with Article 49(2) (d) of the Treaty, the Assembly urges the Council of Ministers and the Partner States to:

- (a) develop and implement programs and activities specifically targeting women and youth aimed at enhancing the capacity of Women and Youth start-ups or entrepreneurs and producers in the Community in order to increase the effective participation of women and youth in business;

- (b) Direct the Secretary General to explore and enhance engagement with the private sector, the business community, and Development Partners to increase and support programs that boost the capacity of women and youth start-ups or entrepreneurs and producers to participate in cross-border trade and the AfCFTA;
 - (c) Direct the Secretary-General to mobilise funds from development partners, private sector and Partner States to support women and youth business led platforms and collaborate with the East African Business Council (EABC) in implementing programmes and activities to support women and youth businesses.
-

Seconded by: HON. GAI DENG



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

A RESOLUTION OF THE ASSEMBLY TO REINSTATE THE PENDING BILLS.

(Moved under Articles 49 and 59 of the EAC Treaty and in line with Part XII of the Assembly Rules of Procedures)

**Moved by Hon. Dr. Abdullah H. Makame and adopted by the August House
on 22nd June, 2023**

WHEREAS, the East African Legislative Assembly is the legislative organ of the East African Community, **AND WHEREAS** the legislative mandate of the Assembly is best signified by the Bills it enacts in accordance with *Articles 49 and 59 of the EAC Treaty* and in line with Part XII of the Assembly Rules of Procedures which provides for the legislative process;

AWARE THAT, the 4th Assembly had commenced the consideration of a number of Bills but was unable to enact the Bills into EAC laws at the time of its dissolution on 17th December, 2022, and therefore saved the Bills for reconsideration by the successor Assembly;

NOTING THAT, the 5th Assembly succeeded the 4th Assembly on 19th December, 2022 and the new EALA Commission received a report of the pending Bills and therefore resolved that the Bills be reinstated in the 5th Assembly – the Bills and their status at the expiry of the term of the 4th Assembly as indicated below:

NO	NAME OF THE BILL	STATUS
1.	The East African Community Livestock Bill, 2021	First Reading on 9 th February, 2022. After this, there was no progress. It was referred to the Committee on Agriculture and Natural Resources (CANR). <i>The Committee did not complete its assignment due to time constraints.</i>

2.	The East African Community Whistle Blowers Bill, 2016	The Bill was referred to the Committee on Legal, Rules and Privileges on 14th March, 2018. The Committee conducted public hearings on the Bill in EAC Partner States in October 2018. <i>The Committee did not finalize the assignment due to time constraint.</i>
3.	The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2016	The Bill was referred to the Committee on Legal, Rules and Privileges on 14th March, 2018 for scrutiny. <i>The Committee did not finalize the assignment due to time constraint.</i>
4.	The East African Community Trade Negotiations (Repeal) Bill, 2014	The Bill was referred to the Committee on Communication, Trade and Investment on 14th March, 2018. <i>The 2nd Reading was postponed. The Committee did not finalize the assignment due to time constraint.</i>
5.	The East African Youth Council Bill, 2017	The Bill was referred to the Committee on General Purpose on 14th March, 2018. <i>The Committee did not finalize the assignment due to time constraint.</i>
6.	The East African Community Cross Border Trade in Professional Services Bill, 2017	The Bill was referred to the Committee on Communication, Trade and Investment on 14th March, 2018. <i>The Committee did not finalize the assignment due to time constraint.</i>
7.	The East African Community Pharmaceuticals Bill, 2019	First Reading on 24/2/2020 and referred to the Committee on General Purpose. <i>The Committee did not finalize the assignment due to time constraint.</i>
8.	The Community Emblems (Amendment) Bill, 2021	First Reading on 1st Dec, 2021 and referred to the Committee on Legal, Rules and Privileges.

		<i>The Committee did not finalize the assignment due to time constraint.</i>
9.	The East African Community Sexual and Reproductive Health Bill, 2021	First Reading on 30 th June, 2021 and referred to the Committee on General Purpose. <i>The Committee did not finalize the assignment due to time constraint.</i>
10.	The East African Community Cultural Heritage, Bill, 2022	First Reading on 16 th February, 2022. <i>The Committee did not finalize the assignment due to time constraint.</i>

NOW THEREFORE, THIS ASSEMBLY DO RESOLVE THAT: -

- 1) In accordance with Rule 94B the pending Bills of the 4th Assembly as considered by the EALA Commission be reinstated as business of the 5th Assembly; and
- 2) Each Bill be treated as a fresh reference.

Seconded by: Hon. Namara Denis



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**A RESOLUTION OF THE ASSEMBLY RECOMMENDING TO THE COUNCIL OF
MINISTERS AND PARTNER STATES TO USE LOCAL CURRENCIES IN ALL
TRANSACTIONS IN THE COMMUNITY TO BOOST TRADE**

*(Moved under Articles 49(2)(d), and 59(1) of the Treaty and Rule 26 of the Rules of
Procedure of the Assembly)*

**Moved by: Hon. David Ole Sankok and adopted by the August House on 21st
June, 2023**

WHEREAS one of the primary objectives of the East African Community under Article 5 of the Treaty is to deepen and widen the cooperation of the Partner States in the economic field for the mutual benefit of all the Partner States;

AND WHEREAS the Partner States established a Customs Union and a Common Market to facilitate trade and cooperation in the economic field and undertook to establish a Monetary Union to facilitate the use of a single currency for the Community;

MINDFUL that during the last 20 years, the EAC has deepened and widened integration among the Partner States particularly through the establishment of a Customs Union and a Common Market which have increased trade among the EAC countries to over 20% which is the highest of any Regional Economic Community on the Continent;

RECOGNISING that the United States Dollar (USD) is the world's dominant currency for trade and investment and for denominating transactions among third parties, including the EAC Partner States;

NOTING that by using the U.S Dollar in intra-regional trade and investment the Community continues to be exposed to monetary policy and financial risks associated with such use;

RECALLING the financial crisis after the collapse of Lehman Brothers in 2008 when there was a shortage of the U.S. Dollars and the negative impact this had on global economies;

CONSCIOUS of the benefits of using the local currencies of the Partner States in trade and investment and shielding the region from foreign shocks emanating from outside the region;

CONCERNED that whereas the Partner States had committed to establish a Monetary Union by 2024 the roadmap has been revised to extend that time to 2027 which will delay the establishment and use of a single currency;

CONVINCED that the use of local currencies of the Partner States East including the Kenya Shilling, Tanzania Shilling, Uganda Shilling, Rwanda Franc, Burundi Franc, South Sudan Pound and Congolese Franc for purpose of intra-regional trade and inter-country trade will:

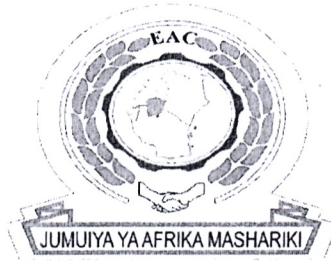
- (a) promote local communities in the participation of EAC intra and inter trade;
- (b) promote the EAC payment System (EAPS) which was introduced on 25th November, 2013;
- (c) boost the volume of trade and services among the Partner States; and
- (d) facilitate the full implementation of the EAC Monetary Union;

AWARE of the provisions of Article 49 (2) (d) of the Treaty, which empowers the Assembly to discuss any matter pertaining to the Community and make recommendations to the Council;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -

THAT in accordance with Article 49(2) (d) of the Treaty, the Assembly recommends to the Council of Ministers and the Partner States to operationalise the use of the local currencies of the Partner States in all transactions in the Community in order to facilitate intra-regional trade.

Seconded by: Hon George Odongo



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

A RESOLUTION OF THE ASSEMBLY EXPRESSING SUPPORT FOR THE EAST AFRICAN PAMOJA BID TO HOST THE AFRICAN CUP OF NATIONS 2027 IN THE COMMUNITY

(Moved under Articles 49(2)(d), 59(1), 119 of the Treaty and Rule 26 of the Rules of Procedure of the Assembly)

Moved by: Hon. Dr. Gerald Blacks Siranda and adopted by the August House on 21st June, 2023

WHEREAS the Partner States undertook in Article 119 of the Treaty, to promote close cooperation amongst themselves in culture and sports.

AND WHEREAS the African Cup of Nations (AFCON) is the main international men's association football competition in Africa that is organised by the Confederation of African Football (CAF), since 1957 and held every two years;

AWARE that since 1957, when the tournament started, the African Cup of Nations has never been hosted by any of the East African Community Partner States;

RECOGNIZING that 3 Partner States: Kenya, Uganda and Tanzania have submitted a united bid, known as the "EA PAMOJA BID" to host the African Cup of Nations in 2027;

ACKNOWLEDGING that the three Partner States have an outstanding track record of hosting regional and international sports competitions including the Confederation African Football (CAF) Under 17 Football Competition successfully hosted by Tanzania in 2019; the 4th all African Games hosted by Kenya in 1987 and the Under 17 Boys Championship host by Uganda in 2018, the Under 17 Girls Championship hosted in 2019 and the CAF U15 Schools Championship held in 2022;

NOTING that according to the EA Pamoja Bid, AFCON 2027 will be co-hosted in the largest capital, business, diplomatic, and tourist cities in East Africa including Dar es

Salaam, Arusha and Zanzibar in Tanzania, Nairobi and Eldoret in Kenya and Kampala, Lira and Hoima in Uganda;

AWARE that the besides the football-related facilities and infrastructure, the respective cities are blessed with conducive geographical conditions and have first-class tourist attractions and programs for players, officials, fans, partners, media, and other key stakeholders attending AFCON 2027 to enjoy;

APPRECIATING the political will and unconditional support given to the EA Pamoja Bid by their Excellencies Samia Suluhu Hassan, President of the United Republic of Tanzania, William Samoei Ruto, President of the Republic of Kenya, and Yoweri Kaguta Museveni, President of the Republic of Uganda;

CONVINCED that hosting the African Cup of Nations in 2027 will undoubtedly benefit the Community through the collective initiative to promote the Community as a tourist destination gifted with numerous opportunities and natural resources for the football players, officials, fans, partners, media, and other key stakeholders to enjoy including national parks, mountains, wildlife and beautiful beaches in all the Partner States;
three host countries.

FURTHER CONVINCED that hosting the African Cup of Nations in the Community has enormous social and economic benefits to the Community and will provide all Partner States with a platform to showcase the natural resources and beauty, culture and hospitality, tourism and investment potential of the Partner States;

AWARE that under Article 49(2)(d) of the Treaty, the Assembly may discuss any matter pertaining to the Community;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -

THAT in accordance with Articles 49(2) (d) and 119 of the Treaty, the Assembly:

- (a) Congratulates Football Kenya Federation (FKF), Federation of Uganda Football Association (FUFA) and Tanzania Football Federation (TFF) on the submission of the EA PAMOJA BID to host the African Cup of Nations in 2027;
- (b) Expresses support for the EAC PAMOJA BID to host the African Cup of Nations in 2027.

Seconded by: Hon. Dr. Richard Mlozi Shogo



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL AND
PARTNER STATES TO FASTTRACK THE IMPLEMENTATION OF THE
2014 MALABO DECLARATION ON ACCELERATED AGRICULTURE
GROWTH AND TRANSFORMATION FOR SHARED PROSPERITY
AND IMPROVED LIVELIHOODS**

*(Moved under Articles 49(2)(d), 59(1), 105 and 110 of the Treaty and Rule
26 of the Rules of Procedure of the Assembly)*

**Moved by: Hon. Dr Woda Jeremiah and adopted by the August
House on 21st June, 2023**

WHEREAS under Articles 105 and 110 of the Treaty, the Partner States undertook to cooperate in agriculture in order to achieve food security and rational agricultural production within the Community and to harmonise their food supply, nutrition and food security policies and strategies;

AND WHEREAS the Community has highlighted food security and nutrition as one of the strategic development objectives of the Community in the 6th EAC Development Strategy 2021/2022- 2025/26 and pledged to eliminate hunger, malnutrition, and extreme poverty in the East African region by the year 2023;

RECALLING the commitment of the Partner States under the Comprehensive Africa Agricultural Development Programme (CAADP), which enshrines Africa's policy framework for agricultural transformation, wealth creation, food security and nutrition security and economic growth agenda

INSPIRED by the seven commitments expressed in the Malabo Declaration as a pledge to provide direction for Africa's agriculture transformation for the period 2015 – 2025, including the commitment to end hunger in Africa by 2025, the pursuit of agriculture-led growth as a

main strategy to achieve targets on food and nutrition security and shared prosperity and the commitment to enhance resilience of livelihoods and production systems to climate variability and other related risks;

APPRECIATING and recognising the Government and people of the Republic of Rwanda for being the only country on the Continent that is on track to achieve the goals of the seven commitments of the Malabo Declaration;

GRATEFUL to the Council for establishing a Sectoral Council on Agriculture and Food Security to spearhead and initiate strategies on development of agriculture and food security within the Community;

CONCERNED that despite the multiple policy instruments and measures adopted by Partner States, the regional performance in respect of implementation of Malabo Declaration is still low and the Community is still faced with a high prevalence of undernourishment mainly caused by insufficient food supply or poor distribution and stunting among children under five years;

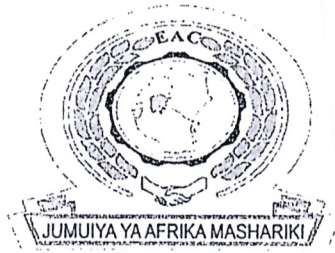
FURTHER CONCERNED that with the exception of the Republic of Rwanda, the Community is not-on-track to meet the CAADP and Malabo Commitment by the target date of 2025;

CONVINCED that as the East African Community joins the international community in commemorating the World Food Day (on 16th October, 2022) the implementation of the Malabo Declaration remains essential to contributing to the achievement of the objectives of the Community and to the African Union Agenda 2063 of the Africa we want;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -

THAT in accordance with Article 49(2) (d) of the Treaty, the Assembly urges the Council and Partner States to fast-track the implementation of the Malabo Declaration on Accelerated Agriculture Growth and Transformation for Shared Prosperity and Improved Livelihoods in order to attain food security and rational agricultural development within the Community

Seconded by: Hon. Jacqueline Amongin



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

A RESOLUTION CONDEMNING THE ATTACK BY THE ALLIED DEMOCRATIC FORCES (ADF) ON LHUBIRIRA SECONDARY SCHOOL, KASESE DISTRICT, IN THE REPUBLIC OF UGANDA AND IN THE TOWN OF KASINDI IN NORTH KIVU

(Moved under Articles 49(2)(d) and 59(1) of the Treaty and Rule 26 of the Rules of Procedure of the Assembly)

Moved by Hon. Jacqueline Amongin and adopted by the August House on 21st June, 2023

WHEREAS on 15th January 2023, suspected Allied Democratic Forces (ADF) attacked innocent church goers in the town of Kasindi in North Kivu killing over seventeen innocent people and wounding over thirty-six people; and they continue to wreak havoc in the DRC displacing over eight hundred thousand innocent civilians;

AND WHEREAS on Friday 16th June, 2023, suspected Allied Democratic Forces (ADF) attacked Lhubirira Secondary School in Mpondwe-Lhubirira town Council, Kasese District, killing forty-two people, thirty-seven of whom were school children; and continue to threaten citizens in the border towns neighboring Eastern DRC and Uganda;

AWARE THAT the Allied Democratic Forces is an Islamist rebel group affiliated to the Islamic State of Iraq and Syria – Democratic Republic of the Congo (ISIS-DRC) which is operating in the South Western part of Uganda and the Eastern part of the Democratic Republic of the Congo (DRC) and was designated as a terrorist organisation by the Government of Uganda and the United States Department of State;

RECALLING THAT Allied Democratic Forces has undertaken indiscriminate and targeted attacks on civilian populations and public infrastructure in both Uganda and the DRC including the 1998 attack on Kichwaba Technical Institute wherein over eighty (80) students were killed at the time and many more abducted; Further recalling that the same rebels in 1997 attacked St. John's Catholic Seminary in Kiburara, where the ADF abducted nineteen seminarians all aged between twelve and twenty;

FURTHER RECALLING THAT the ADF has also extended its operations in the DRC, specifically in North Kivu and Ituri Provinces where the ADF has drawn worldwide condemnation for its brutal violence against Congolese citizens and regional military forces, with attacks have killing more than over 849 civilians;

CONCERNED THAT the ADF specifically attacks vulnerable and unarmed civilian populations in Uganda and DRC and has consistently shown a complete disregard for the lives of civilians and the laws of war which are designed to protect civilian populations in armed conflicts;

FURTHER CONCERNED THAT the ADF has failed to disclose the reasons for its rebellion and also refused the amnesty proposed by the Government of Uganda to end the rebellion;

RECOGNISING THAT the attacks by the ADF have greatly disrupted promising economic activities through invoking a sense of fear in the affected communities.

NOW THEREFORE be it resolved that-

- i) This House strongly condemns the continuous unprovoked, wanton and unwarranted attacks by the Allied Democratic Forces on a church in Kasanda town in North Kivu in DRC and on Lhubirira Secondary School, Kasese District, in the Republic of Uganda mostly on unarmed and vulnerable civilian population in the Republic of Uganda and the Democratic Republic of Congo.
- ii) This House fully supports the EAC initiatives geared towards the pacification of the Eastern DRC to get rid of all rebel groups and their activities in that part of the country.

Seconded by: HON. DR. WODA JEREMIAH