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THIRTEENTH PARLIAMENT- THIRD SESSION

THE NATIONAL ASSEMBLY

COMMITTEE ON REGIONAL INTEGRATION

REPORT ON THE CONSIDERATION OF BUSINESS TRANSACTED BY THE
EAST AFRICAN LEGISLATIVE ASSEMBLY AT THE FOURTH MEETING OF
THE FIRST SESSION OF THE FIFTH ASSEMBLY FROM 11TH - 23RD JUNE, 2023
IN ARUSHA, TANZANIA

JUNE 2024

THE NATIONAL ASSEMBLY PAPERS LAID	
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ABBREVIATIONS/ACRONYMS

AFCFTA	African Continental Free Trade Area
CMP	Common Market Protocol
EACA	East African Competition Authority
EACJ	East African Court of Justice
EAC	East African Community
EAHC	East African Health Commission
EALA	East African Legislative Assembly
GDP	Gross Domestic Product
KEMRI	Kenya Medical Research Institute
KUHC	Kamenge University Hospital centre
MCSRI	Male Clinical Studies Research Institute
MUHAS	Muhimbili University of Health and Allied Sciences
NIMR	National Institute for Medical Research
NIPH	National Institute of Public Health
RBMC	Rwanda Biomedical Centre
RFDA	Rwanda Food and Drugs Authority
SAGA's	Semi- Autonomous Government Authorities
SCT	Single Customs Territory
SO	Standing Order
UOJ	University of Juba

CHAIRPERSON'S FOREWORD

This Report contains the Committee's consideration of the Reports of the East African Legislative Assembly which comprises of the Bills, Reports and Resolutions transacted by the EALA at its Fourth Meeting of the First Session of the Fifth Assembly which took place on 11th to 23rd June, 2023 in Arusha, Tanzania. Subsequently, the various reports were transmitted to the National Assembly for deliberation as provided for in Article 65 of the Treaty Establishing the East African Community and subsequently committed to the Select Committee on Regional Integration for consideration and reporting. The reports are as follows -

- (i) The Supplementary Budget of the East African Community for the Financial Year 2022/2023;
- (ii) The East African Community Supplementary Appropriation Bill, 2023;
- (iii) The East African Community Supplementary Appropriation Bill, (No.2) 2023;
- (iv) The East African Community Appropriation Bill, 2023;
- (v) Report of the Committee on General Purpose on the EAC Supplementary Appropriation (No.1) and (No.2) Bills;
- (vi) Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024;
- (vii) Report of the Committee on Legal, Rules and Privileges on the oversight activity on implementation of the Protocols and Laws Governing EAC Institutions;
- (viii) Report of the Committee on Communication, Trade, and Investment on the oversight activity on Civil Aviation Safety and Security Oversight Agency;
- (ix) Report of the Committee on Legal, Rules and Privileges on consideration of the proposal to amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly;
- (x) Report of the Committee on Accounts on the oversight activity to assess the programmes and performances of the East African Health Research Commission;
- (xi) Report of the Committee on Regional Affairs and Conflict Resolution on the oversight activity to assess the progress made in the development of the EAC Refugee Management Policy;
- (xii) A Resolution of the Assembly urging the Council of Ministers and the partner States to enhance the effective participation of Women and Youth in Business and to equip them take advantage of the opportunities under the AfCFTA;
- (xiii) A Resolution of the Assembly to reinstate the pending Bills of the 4th Assembly into the 5th Assembly;
- (xiv) A Resolution of the Assembly recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community region to boost trade;

- (xv) A Resolution of the Assembly to support the East African Pamoja Bid to host the 2027 African Cup of Nations in the East African Community Region;
- (xvi) A Resolution of the Assembly urging the Council of Ministers and the Partner States to fast-track the implementation of the 2014 Malabo Declaration on Accelerated Agriculture Growth and Transformation for Shared Prosperity and Improved Livelihoods; and
- (xvii) A Resolution of the Assembly 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.

The Committee considered the various business transacted by the East African Legislative Assembly in a retreat held in Mombasa County on 5th to 8th October, 2023 and incorporated the views from the Directorate of Legal Services and the Parliamentary Budget Office. Additionally, during a retreat held in Mombasa on April 26 – 27, 2024, the Committee took into account the Ministry's submissions regarding the reports from EALA.

I wish to thank the Speaker and the Office of the Clerk of the National Assembly most sincerely for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Select Committee on Regional Integration and pursuant to the provisions of Standing Order 199(6), it is my pleasant duty to present to this House the **Report of the Committee on its consideration of Business Transacted by the East African Legislative Assembly at the Fourth Meeting of the First Session of the Fifth Assembly from 11th - 23rd June, 2023 in Arusha, Tanzania.**

HON. WANJIKU MUHIA, MP, CBS

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on Regional Integration is a select Committee of the House established under Standing Order 212 of the National Assembly's Standing Orders which sets out the mandate of the Committee. The Committee was constituted in October 2023 following adoption of a motion on membership of committees by the House and is comprised of twenty-one (21) members who will serve for the life of the 13th Parliament.
2. The Committee is also mandated to –
 - (a) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
 - (b) examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;
 - (c) examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific European Union Joint Parliamentary Assembly and other regional integration bodies; and,
 - (d) inquire into and examine any other matter relating to regional integration generally requiring action by the House.

1.2 Committee Membership

3. The Committee comprises of the following twenty-one Members -

Hon. Wanjiku Muhia, MP – Chairperson
Kipipiri Constituency
United Democratic Party

Hon. Farah Salah Yakub, MP- Vice- Chairperson
FAFI Constituency
United Democratic Party

Hon. David Ochieng Ouma, MP
Ugenya Constituency
Movement for Democracy and Growth

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
Orange Democratic Party

Hon. Joseph Gachoki Gitari, MP
Kirinyaga Central Constituency
United Democratic Party

Hon. Didmus Wekesa Barasa Mutua, MP
Kimilili Constituency
United Democratic Party

Hon. Danson Mwashako Mwakuwona, MP
Wundanyi Constituency
Wiper Democratic Movement -

Hon. Andrew Adipo Okuome, MP
Karachuonyo Constituency
Orange Democratic Party

Hon. Christopher Aseka Wangaya, MP
Khwisero Constituency
Orange Democratic Party

Hon. Naomi Jillo Waqo, MP
Marsabit (CWR)
United Democratic Party

Hon. Zaheer Jhanda, MP
Nyaribari Chache Constituency
United Democratic Party

Hon. Rael Chepkemai Kasiwai, MP
West Pokot (CWR)

Kenya Union Party

Hon. Elizabeth Karambu Kailemia, MP
Meru (CWR)
United Democratic Party

Hon. Beatrice Chepng'eno Kemei, MP
Kericho (CWR)
United Democratic Party

Hon. Fatuma Hamisi Masito, MP
Kwale (CWR)
Orange Democratic Party

Hon. Irene Njoki Mrembo, MP
Bahati Constituency
Jubilee Party

Hon. Japheth Nyakundi Mokaya, MP
Kitutu Chache North Constituency
United Democratic Party

Hon. Peter Ochieng Orero, MP
Kibra Constituency
Orange Democratic Party

Hon. Julius Kipletting Rutto, MP
Kesses Constituency
United Democratic Party

Hon. Peter Kalerwa Salasya, MP
Mumias East Constituency
Democratic Alliance Party

Hon. Richard Kipkemai Yegon, MP
Bomet East Constituency
United Democratic Party

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises –

Mr. Mohamed Jimale
Clerk Assistant I (Team Leader)

Ms. Jane G. Ouko
Clerk Assistant III

Mr. Bernard Toroitich
Clerk Assistant III

Mr. Dominic Kyalo
Legal Counsel II

Ms. Damacrine Kwamboka
Research Assistant II

Ms. Mercy Mayende
Media Relations Officer II

Mr. Moses Kariuki
Serjeant at Arms

Mr. Rahab Chepkilim
Audio Officer

Ms. Florence Wanja
Protocol officer

2.0 INTRODUCTION

5. The East African Legislative Assembly is the Legislative Organ of the East African Community established under Article 9 of the Treaty Establishing the East African Community. Article 49 of the Treaty bestows upon the assembly the functions of legislation, oversight and representation and provides for the establishment of committees by the Assembly for such purposes, as it deems necessary.
6. The following reports were adopted by the East African Legislative Assembly at its 4th Meeting of the First Session of the Fifth Assembly which took place on 11th to 23rd June, 2023 in Arusha, Tanzania, and subsequently forwarded to the National Assembly pursuant to the provisions of Article 65(b) of the Treaty for the establishment of the East African Community: -
 - (i) The Supplementary Budget of the East African Community for the Financial Year 2022/2023;
 - (ii) The East African Community Supplementary Appropriation Bill, 2023;
 - (iii) The East African Community Supplementary Appropriation Bill, (No.2) 2023;
 - (iv) The East African Community Appropriation Bill, 2023;
 - (v) Report of the Committee on General Purpose on the EAC Supplementary Appropriation (No.1) and (No.2) Bills;
 - (vi) Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024;
 - (vii) Report of the Committee on Legal, Rules and Privileges on the oversight activity on implementation of the Protocols and Laws Governing EAC Institutions;
 - (viii) Report of the Committee on Communication, Trade, and Investment on the oversight activity on Civil Aviation Safety and Security Oversight Agency;
 - (ix) Report of the Committee on Legal, Rules and Privileges on consideration of the proposal to amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly;
 - (x) Report of the Committee on Accounts on the oversight activity to assess the programmes and performances of the East African Health Research Commission;
 - (xi) Report of the Committee on Regional Affairs and Conflict Resolution on the oversight activity to assess the progress made in the development of the EAC Refugee Management Policy;
 - (xii) A Resolution of the Assembly urging the Council of Ministers and the partner States to enhance the effective participation of Women and Youth in Business and to equip them take advantage of the opportunities under the AfCFTA;
 - (xiii) A Resolution of the Assembly to reinstate the pending Bills of the 4th Assembly into the 5th Assembly;

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- (xiv) A Resolution of the Assembly recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community region to boost trade;
 - (xv) A Resolution of the Assembly to support the East African Pamoja Bid to host the 2027 African Cup of Nations in the East African Community Region;
 - (xvi) A Resolution of the Assembly urging the Council of Ministers and the Partner States to fast-track the implementation of the 2014 Malabo Declaration on Accelerated Agriculture Growth and Transformation for Shared Prosperity and Improved Livelihoods; and
 - (xvii) A Resolution of the Assembly 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.
7. Article 65 of the Treaty provides for relations between the East Africa Legislative Assembly (EALA) and the National Assemblies of the partner States. It is in line with the Treaty provision that the reports were tabled before the National Assembly of Kenya on 3rd August, 2023 and subsequently committed to the Committee on Regional Integration for consideration pursuant to the provisions of Standing Order 212. The Committee considered the reports in a retreat held in Mombasa County on 5th to 8th October, 2023.
8. In considering the reports, the Committee sought and received submissions from the Ministry of East African Community and Regional Development. The Committee's deliberations and findings specific to each report are briefly discussed hereunder, in a retreat held in Mombasa County on 25th to 28th April, 2024.

3.0 CONSIDERATION OF THE REPORTS, RESOLUTIONS AND BILLS ADOPTED BY THE EAST AFRICAN LEGISLATIVE ASSEMBLY AT ITS 4TH MEETING OF THE FIRST SESSION OF THE FIFTH ASSEMBLY WHICH TOOK PLACE ON 11TH TO 23RD JUNE, 2023 IN ARUSHA, TANZANIA

9. The Committee considered the following reports adopted by the East African Legislative Assembly: -

3.1 Resolution of the Assembly to Support the East African Pamoja Bid to Host the 2027 African Cup of Nations in the East African Community Region

10. The Committee was taken through the EALA Resolution to support the East African Pamoja bid to host 2027 AFCON as follows –

- (i) The African Cup of Nations is the main international men's association football competition in Africa that is organized by The Confederation of African football [CAF], since 1957 and is held after every two years. Since 1957 the said tournament has never been hosted by any East African Community Partner States.
- (ii) The three 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, 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 completion successfully hosted by Tanzania in 2019 and all African games hosted by Kenya in 1987 and the under 17 boys championship hosted by Uganda in 2018. It is noted that the EA Pamoja Bid, AFCON 2027 will be 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.
- (iii) Further the Committee were informed, Article 119 of Treaty provides for culture and sports and states that: -The Partner States shall promote close co-operation amongst themselves in culture and sports, with respect to:
 - a. *the promotion and enhancement of diverse sports activities;*
 - b. *the development of mass media programmes on matters that will promote the development of culture and sports within the Community;*
 - c. *the promotion of cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations, and the conservation, safeguarding and development of the cultural heritage of the Partner States including, historical materials and antiquities;*
 - d. *the development and promotion of indigenous languages especially Kiswahili as a lingua franca;*

Ministry of East African Community, the ASALs and Regional Development Submissions

11. The Ministry submitted that the joint bid was successful, and Kenya, Uganda and Tanzania will co- host the 2027 Africa Cup of Nations. The three countries will not only provide playing grounds but will also assure the African continent of a fan base necessary for the excitement of the football bonanza.
12. It will also lead to great economic benefits in sport tourism, hospitality industry, and leisure travels. Members were informed that the three partner states were given the right to bid pending inspection by CAF after which they will be given the right to host.
13. In addition, each of the partner states is expected to identify two (2) hosting stadia and nine (9) training venues among other requirements. Kenya has identified Kasarani sports centre and Talanta Sports City as the hosting stadia.
14. Lastly, the Ministry informed the Committee of their key role in this activity is to enhance regional integration; to spear head tax exemption especially for the CAF delegation; and, to ensure free movement of materials and people.

Committee Observations

15. The Football Kenya Federation [KFK], Federation of Uganda Football [FUFA] and Tanzania Football Federation [TFF] submitted the Pamoja Bid to host AFCON in 2027.
16. The resolution is strategic and properly brought in line with the treaty hence the committee ought to adopt the resolution by EALA. It is however worthy noting that Kenya protested to have one more slot in the host cities list because, Kenya has only two host cities while other Partner states have three host cities.
17. The Committee noted that hosting the AFCON in the Community has enormous social and economic benefit to the Community and will provide partner states with a platform to showcase the natural resources and beauty, culture and hospitality, tourist and investment potential of three partner states.

Committee's way forward

18. The Committee applauded EALA resolution to bid for AFCON in East Africa however they were concerned on the criteria used allocated respective cities especially in Kenya;
19. The Committee underscored the need to also consider other cities in the country that have similar facilities like Eldoret;
20. The Committee also resolved to invite the Cabinet Secretaries, Ministry of Sports, Culture and Heritage and the Cabinet Secretary and that of the Ministry of East African Community, the ASALs, and the Regional Development to apprise the Committee on criteria used to pick only two cities Nairobi and Eldoret from Kenya and they also raised queries on the criteria used to select three slots from the other Partner States, Uganda and Tanzania for hosting the AFCON.

Committee's Resolution

21. Having examined the resolution by the EALA, the resolution was properly moved before the Assembly. The said resolution is brought under Articles 49, 59 and 119 of the Treaty Committee on Regional Integration: Report on the consideration of Business Transacted by the East African Legislative Assembly at the 4th Meeting of the 1st Session of the 5th Assembly From 11th - 23rd June, 2023

and Rule 26 of Rules of procedure of the Assembly and the Assembly is expressing its support for the East African Pamoja Bid to host the AFCON 2027 in the community which bid was submitted by 3 Partner states being Kenya, Uganda, and Tanzania. The Committee on Regional Integration has however, adopted the resolution as having been proposed by Hon. Fatuma Masito, MP and seconded by Hon. Richard Yegon, MP.

3.2 Resolution of the Assembly Recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community Region to Boost Trade

Ministry of East African Community, the ASALs and Regional Development Submissions

22. The Ministry submitted that there is in place a resolution by the Assembly recommending to the Council of Ministers and partner states to use local Currencies in all transactions in the East African Community to boost trade. This was moved under article 49 (2) (d) and 59 (1) of the treaty establishing the East African Community and rule 26 of the Rules of procedure of the Assembly.
23. Further, following the Covid 19 pandemic, the region faced scarcity of the US dollar and other currencies, and this impacted negatively on the regional trade. Also, the depreciation of the local currencies against the US dollar resulted in high interest on foreign debts and high import bills.
24. Consequently, the over dependence on the US dollar as the currency for regional trade led to the need to use the local currencies in all transaction to boost trade across the region.
25. EAC aims to achieve a single currency area by 2031 under the monetary union pillar which was initially to be achieved by 2024. The objectives of the monetary union include:
 - 1) To strengthen internal markets by removing foreign exchange rates fluctuations and inherent costs;
 - 2) Reinforce monetary stability;
 - 3) Facilitate reduction of transactional cost; and,
 - 4) Ensure comparability of cost and prices within EAC.
26. It was noted that, there is need to develop, integrate and harmonize financial and payment systems and adopt common principals and rules governing payments and settlements.
27. In addition, cross border trade in EAC has continued to be facilitated by various payment channels. Kenya, Uganda, Tanzania, and Rwanda are the countries already participating in the East African Payment System (EAPS), a cross border payment and settlement system implemented by interlinking the real Time Gross Settlement (RTGS) systems of the East African Community Partner States Central Banks which happened in 2013.
28. The sole objective of this move was to facilitate cross border funds transfer thus enhancing cross border trade in the region. The system uses local currencies of the participating EAC partner States.
29. The currencies of the remaining EAC member states – Burundi, DRC, Somalia, and South Sudan, will be included as settlement currencies for EAPS as soon as these Countries are enjoined in the system.

30. The Ministry underscored the desire of the region to embrace a liberal trade regime guided by the global rules of free trade.
31. The Committee considered the report and noted that: -
- i. The resolution by EALA is founded on the primary objective of the EAC under Article 5 of the treaty which focus on deepening and widening the cooperation of partner states in the economic field for the mutual benefit of all partner states. The Partner states have already established the Customs Union and a Common Market to facilitate trade and cooperation in the economic field and have undertaken to establish the Monetary Union to facilitate the use of a single currency for the community.
 - ii. The Assembly appreciates that the United States Dollar (USD) is the world's dominant currency for trade and investment and for dominating transactions among third parties, including EAC partner states and noting that the use of USD in intra-regional trade and investment the community continues to be exposed to monetary policy and financial risks associated with such use.
 - iii. The benefits of using the local currencies of the partner states in trade and investment includes shielding the region from foreign shocks emanating from outside the region. It's also noted that partner states had committed to establish Monetary union by 2024. The road map has however been revised to extend that time to 2031 which will delay the establishment and use of a single currency.
32. The Committee further noted the legal and factual basis of the EALA Resolution – The use of local currencies of partner states including Kenya Shillings, Tanzania Shilling, Uganda Shilling, Rwanda Franc, Burundi Franc South Sudan Pound, and Congolese Franc for purposes of intra-regional trade and inter country trade will —
- a) Promote local communities in participation of the EAC intra and inter trade;
 - b) Promote the EAC payment system EAPS which was introduced on the 25th of 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.
33. **With regards to the legal and factual basis of the Resolution**, the Committee observed that the said resolution is brought pursuant to Articles 49 [2] [d], 59 [1] and 119 of the Treaty and **Article 49 (2) (d)** of the treaty is to the effect that; “The Assembly: *(d) 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;*
- i. The National Assembly's Committee on Regional Integration applauded EALA for the resolution on the use of single currency as this will benefit Partner States in terms of investment and shielding the region from foreign shocks emanating from outside the region;
 - ii. There's need for Kenya to also evaluate the gains and losses following the adopting of single currency as it may not be a positive move as Kenya's economy is not doing well as required;

- iii. The Committee applauded the EALA for its recommendation to the Council of Ministers and Partner States to operationalize the use of the local currencies in all transactions in the Community in order to facilitate intra-regional trade; however, there were concerns over its practicability considering existence of different exchange rate.

Resolutions

34. Having examined the said Articles of the treaty and Rule of procedure, the Committee on Regional Integration resolved that the resolution was properly moved before the assembly and that the Assembly recommends to the council of ministers of the Partner State to operationalize the use of local currencies of the Partner States in all transitions in the community to facilitate intra-regional trade.

3.3 Report of the Committee on Legal, Rules and Privileges on the Consideration of the Proposal to Amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly

35. The Committee was taken through the EALA report of the committee on legal, rules and privileges as follows, that –

- (i) The report is anchored under Article 49 (2) (g) and 60 of the EAC Treaty which empowers the Assembly to make rules to govern its procedure and procedure of its committees. This in reference to the following clauses: -

Clause 2 of the report outlines the **power to amend the rules of procedure of the assembly** which power is derived from Article 60 of the Treaty and Rule 85 of the Rules of procedure of the Assembly.

Clause 3 of the report deals with the proposal to amend Rule 80 (6) under which the EALA Commission underscored the need to urgently amend the said rule relating to the membership of each committee of the assembly which decision to amend was referred by the commission to the committee on legal, Rules and privileges vide the committee chairperson.

Clause 4 and 5 of the report in on the Methodology and powers of the committee on LRP to consider proposals to amend the rules of procedure of the Assembly respectively.

Clause 6 and 7 of the report provides for justification for the proposal to amend rule 80 (6) and observations of the committee's recommendations which are to amend to review all the rules of procedure of the Assembly which work had been started by the Committee of the 4th Assembly.

- (ii) Currently rule 80(6) provides as follows:

“The membership of the committee shall be fifteen and quorum shall be at least half of the members”.

36. The justification for proposal to amend the above rule has been the increase in number of the members of the Assembly which brought by the increase of the Partner States from 5 in 2015 when rules were made to 7 in 2023.

(iii) Further, clauses **8** and **9** of the said report outlines the proposal by the committee on rule 80 (6) Rules of Procedure of the National assembly of the East Africa Community.

37. The proposal is to review the provision and replace the word “fifteen” with the relevant number or propose any amendment that will cater for any future expansion of the Assembly.

38. The proposal made for the assembly to consider is “**80(6) the members of each committee shall be twenty-one or other such number as shall be determined by the assembly.**”

i. It reflects the current membership of the committees and ensures that the Assembly will not be required to amend the rule to reflect the number of members of the committees of EALA.

ii. The report on amendment of rule 80(6) Rules of Procedure of the Assembly was proposed by the EALA commission to the committee on legal rules and privileges.

iii. According to the report, the body empowered to propose the amendment is the committee on legal rules and privileges.

iv. The committee has, however, agreed that due to increase of Partner States, there was need to review rule 80(6) of the Rules of Procedure of the Assembly of the East Africa Community.

v. The committee requested to be allocated extra budget during the FY 2023/2024 to enable it to consider the comprehensive review of the rules of procedure of the Assembly.

39. The said resolution is brought pursuant to Articles 49 (20) [d] 59 (1) 115 and 110 of the Treaty and Rules 26 of the Rules of Procedure of the Assembly.

1. Article 49 (2) (d) of the treaty is to the effect that; “The Assembly: “(d) 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;”

2. **ARTICLE 59 (1)** of Treaty provides for the Bills and Motions in the Assembly and espouses that:

“Subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly: Provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly”.

The Ministry of East African Community, the ASALs and Regional Development’s Submissions

40. The Ministry in its submission noted that:

1) The EALA Commission referred to the Committee the decision to amend Rule 80 (6) of the Rules and Procedures of the Assembly. Rule 80 (6) provides that “The

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membership of each Committee shall be fifteen and the quorum shall be at least half of the Members.”

- 2) The current practice/tradition of the Assembly is that each Standing Committee is constituted by three members from each Partner State. However, with the expansion of the membership of the EAC, from five in 2015 when the Rules were adopted to the current eight in 2024, there is need for an amendment of the above Rule to cater for the consequential increase of membership of the Assembly.
- 3) To address the above challenge, the Committee proposed increasing the number provided under Rule 80 (6) from fifteen to twenty-one. To affect the aforesaid, the Committee recommended to the Assembly that the Rule be amended to state “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.”
- 4) The Ministry remarked that the above is an administrative intervention to ensure all Partner States are represented in each Standing Committee and that as the EAC membership continues to expand, subsequent amendment of the Rule will now not be required as the Rule will have anticipated and addressed such expansion.
- 5) In addition, the Ministry observed that this has a financial implication as a result of increasing the membership as it will require an increase in the budget for seating allowances of Committee members.

Committee Observations

41. The Committee observed the following, that;

- i. The Commission was not empowered to present a proposal for the intent and purposes of the amendment, a matter that brought concern on the legality of this resolution by EALA.
- ii. The increase of the membership of EALA Committees should be specific to the new Partner States joining the Community and can only be increased by three (3) instead of the seven (7).
- iii. The need for supporting EALA resolutions particularly, the amendment undertaken by the EALA Committee on Powers and Privileges on the increase of the membership of Committees.

Committee’s Recommendation

42. The committee recommended the following:

- i. increasing the membership from fifteen to 21 to facilitate broader participation and representation to ensure representation from all member states. In the assembly and its committees.
- ii. the Committee emphasized the need for efficient decision-making mechanisms to avoid delays and bottlenecks.
- iii. Members proposed exploring methodologies employed by the European Union (EU) to address similar issues. Borrowing from EU practices could provide

valuable insights into optimizing committee structures and decision-making processes within EALA.

Committee's Resolution

43. Having examined the resolution by the EALA on the increase of Committee membership, the Committee on Regional Integration has adopted the amendment by EALA's Committee on Powers and Privileges which states that ***“80(6) the members of each committee shall be twenty-one or other such number as shall be determined by the assembly.”*** as having been proposed by Hon. Peter Orero, MP and seconded by Hon. Danson Mwashako, MP.

3.4 Resolution of the EALA Assembly urging the Council and Partner States to Fast-track the implementation of the 2014 Malabo Declaration on accelerated Agriculture Growth and Transformation for shared prosperity and improved Livelihoods;

44. The Committee was taken through the Resolution as follows –

- 1) At the African Union Summit in Malabo, Equatorial Guinea in June 2014, Heads of State and Government adopted a remarkable set of concrete agriculture goals to be attained by 2025. The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods is a set of new goals showing a more targeted approach to achieve the agricultural vision for the continent which is shared prosperity and improved livelihoods. The Malabo Summit reconfirmed that agriculture should remain high on the development agenda of the continent, and is a critical policy initiative for African economic growth and poverty reduction;
- 2) The Community highlighted food security and nutrition as one of the strategic development objectives of the Community in the 6th EAC Development Strategy 2021/2022-2025/2026 and pledged to eliminate hunger, malnutrition, and extreme poverty in the East African region by the year 2023.
- 3) There is a 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. The Malabo declaration was made against the above background seven commitments expressed in the Malabo Declaration are as pledge to provide direction for Africa's agriculture transformation for the period 2015-2025 including the commitment to end hunger in Africa by 2025.

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45. The Community has embraced and domesticated the Comprehensive Africa Agricultural Development Program (CAADP) a policy framework for actualizing the Malabo

Declaration goals of reducing poverty levels, ending hunger on the continent, and tripling intra- African trade in agricultural goods among others by 2025.

46. Additionally, the Ministry stated that there exists a comprehensive monitoring mechanism based on various parameters to check the achievement of the set targets. They include a Biennial Agricultural Review that involves tracking, monitoring and reporting on the implementation progress in achieving commitments under the CAADP/ Malabo Declaration. It was noted that Kenya is ranked second after Rwanda based on her fulfilment of the targets of the Malabo Declaration.
47. Kenya has fully embraced all the set targets including the National Agricultural Investment Plans aimed at achieving the Declaration and is on track towards achieving food security. However, the Ministry observed that none of the Community's member states has attained the 10% budgetary allocation due to budgetary constraints bearing in mind that member States are all developing countries with limited resources.

Committee observations

48. The concern of Assembly (EALA) has been the fact that despite multiple policy instruments and measures adopted by the Partner States, the regional performance in respect of the implementation of the Malabo Declaration is still low and that the Community was still facing severe shortage of food and nutrition except for the Republic of Rwanda.
49. The current rate of implementation cannot guarantee the Community of meeting its CAADP and Malabo commitment (to end hunger) by 2025 and hence, the need for the resolution to fastrack the implementation.
50. **Article 110** of the Treaty provides for food security and states as follows:
The Partner States shall:
 - i. Establish a mechanism for exchange of information on demand and supply surpluses and deficits, trade, forecasting and state of food nutrition;
 - ii. Harmonize quality and standards of inputs and products including food additives;
 - iii. Develop modalities to have timely information on market prices;
 - iv. Harmonize food supply, nutrition and food security policies and strategies;
 - v. Initiate and maintain strategic food reserves; and
 - vi. Develop marine and inland aquaculture and fish farming.

51. The Committee further observed that-

3. **Article 105 of the Treaty provides for the scope of co-operation and states that:**
The overall objectives of co-operation in the agricultural sector are the achievement of food security and rational agricultural production within the Community. To this end, the Partner States undertake to adopt a scheme for the rationalisation of agricultural production with a view to promoting complementarity and specialisation in and the sustainability of national agricultural programmes to ensure:
 - i. a common agricultural policy;
 - ii. food sufficiency within the Community;
 - iii. an increase in the production of crops, livestock, fisheries, and forest products

- for domestic consumption, exports within and outside the Community and as inputs to agro-based industries within the Community; and
- iv. Post-harvest preservation and conservation and improved food processing.
52. For purposes of paragraph 1 of this Article, the Partner States undertake to co-operate in specific fields of agriculture, including:
- i. the harmonization of agricultural policies of the Partner States;
 - ii. the development of food security within the Partner States and the Community as a whole, through the production and supply of foodstuffs;
 - iii. agro-meteorology and climatology to promote the development of early;
 - iv. climatological warning systems within the Community;
 - v. the development and application of agricultural training and research and extension services;
 - vi. the adoption of internationally accepted quality standards for food processing;
 - vii. the establishment of joint programmes for the control of animal and plant diseases and pests;
 - viii. the marketing of food and the co-ordination of the export and import of agricultural commodities;
 - ix. joint actions in combating drought and desertification; and
 - x. in such other fields of agriculture as the Council may determine.
53. Rule 26 of the Rules of Procedure of the Assembly provides for Motions and Amendments and implements the provision of Article 59 of the Treaty gives elaborate procedure for introduction of motions in the House.

Committee recommendations

54. Kenya has allocated 3% of its annual budget to the agriculture sector which is less than the 10% recommended by EAC and the Malabo declaration and that there's need for the Ministry of Agriculture and Livestock Development as well as The National Treasury and Economic Planning to allocate more funds to realize the Malabo declaration.
55. The Committee suggested a midterm budget increase as a parameter to achieve the Malabo declaration noting that the Republic of Rwanda is the only Partner State in the Community that has shown commitment to the Malabo declaration as per the Article 105 of the Treaty in terms of co-operation in the agricultural sector are the achievement of food security and rational agricultural production within the Community.

Committee Resolution

56. Having examined the resolution by the EALA on the Malabo Declaration; the Committee adopted the resolution as having been proposed by Hon. Hon. Julius Kipletting Rutto, MP and seconded by Hon. Rael Chepkemoi Kasiwai, MP

3.5 Resolution of the Assembly to Reinstate the Pending Bills;

57. The Committee was taken through the EALA report of the committee the resolution of the Assembly to reinstate the pending bills of the East African Legislative Assembly as follows –

- i. 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.
- ii. 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.

Committee observations

58. The Committee observed as follows;

- (1) The said resolution is brought pursuant to Article 49 (2) (d) and Article 59 of the Treaty and in line with part XII of the Assembly Rules of Procedure
- (2) Article 49 (2) of the treaty is to the effect that; The Assembly: (d) *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;*

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59. ARTICLE 59 of Treaty provides for the Bills and Motions in the Assembly and espouses that: *(1). Subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly: Provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly.*

60. **Part XII** of the Assembly Rules of Procedure provides for legislative procedure which runs from Rules 60 to 73 of the said rules.

61. **Rule 26** of the Rules of Procedure of the Assembly provides for Motions and Amendments and provides generally for procedure of the introduction of motion in the house.

62. The Committee further noted the legal and factual basis of the Resolution –

- (1) The said resolution is brought pursuant to Articles 49 [2] [d], 59 [1] and 119 of the Treaty and Rules 26 of the Rules of Procedure of the Assembly; -
Article 49 (2) (d) of the treaty is to the effect 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;

4. **ARTICLE 59** of Treaty provides for the Bills and Motions in the Assembly and espouses that:

Subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly: Provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly.

Committee Resolution

63. Having considered the resolution by the EALA to reinstate the pending Bills, the Committee adopted the EALA resolution. The resolution proposes to have listed Bills reinstated as Business of the 5th Assembly and that each Bill be treated as a fresh. The ten Bills that were sought to be reinstated are listed in resolution and the stage at which they were before dissolution of 4th Assembly;
1. The East African Community Livestock Bill 2021
 2. The East African Community Whistle Blowers Bill 2026
 3. The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2016
 4. The East African Community Trade Negotiations (Repeal) Bill, 2014
 5. The East African Youth Council Bill, 2017
 6. The East African Community Cross Border Trade in Professional Services Bill, 2017
 7. The East African Community Pharmaceutical Bill, 2019
 8. The Community Emblems (Amendment) Bill, 2021
 9. The East African Community Sexual Reproductive Health Bill 2021
 10. The East African Community Cultural Heritage Bill, 2022
64. The Ministry of East African Community, the ASALs and Regional Development confirmed that the ten (10) pending Bills were reinstated and are being considered afresh by the 5th Assembly.

3.6 The EALA 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;

65. The Committee was taken through the EALA Reports and Resolutions as follows;
- i. Article 49 (2), (a) 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.
 - ii. In accordance with the Rules of Procedure of the 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.

66. 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.
67. It is for this reason that the Committee on Regional Affairs and conflict Resolution (RACK) 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.

Background

68. 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.
69. Refugees can be categorized as migrants, asylum seekers, internally displaced persons, stateless persons, war refugees, religious or political affiliation refugees and hunger refugees.
70. One of the fundamental principles of the East African Community is peaceful settlement of disputes and peaceful co-existence.
71. 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 EALA strategy on Regional Peace and Security provides for the establishment of common Mechanisms for the management of Refugees.
72. 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.
73. 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.
74. 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.
75. In June 2020, the Draft Policy was presented to the TWO and thereafter to the CORM for consideration. The CORM approved the Draft Policy on 16 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.
76. 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.
77. The report highlights that 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. Among the areas focused under the includes:
- 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:
78. 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. On domestic, legal and policy framework, the report highlights that, all EAC Partner States have adopted legislation to domesticate international refugee instruments and to govern other aspects of refugee management, for instance;

Republic of Kenya

6. Refugee matters are governed by the Refugee Act, 2021 the Country is in the process of developing new regulation to operationalize the new Act.

Republic of Burundi

7. The new laws related to the regulation of migrants was gazetted on 5th November 2021. The new law (No. 1/25) repeals the 2008 asylum and refugee protection law.

Republic of Rwanda

8. The general legislation governing refugees and asylum seekers is the National 13 Ter /2014 relating to refugees.

Republic of South Sudan

9. Relevant legislations like the Refugee Act 2012 and Refugee Status Eligibility Regulation, 2017 were adopted.

United Republic of Tanzania

10. The principal instruments on refugee matters are the Refugee Act, No. 9 Of 1998 and the National Refugee Policy of 2003.

Republic of Uganda

11. 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.

79. 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 or 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.

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80. The Ministry in their submission on this matter informed the Committee that:

- i. The Committee on Regional Affairs and Conflict Resolution (RACR) undertook an oversight activity in Nairobi from 14th - 17th March 2023 to assess progress made in development of the draft EAC Refugee Management Policy.
- ii. The Committee sought to understand the draft EAC Refugee Management Policy, consultation process, Key findings, and challenges faced in development of the policy as well as the roadmap to the draft policy.
- iii. The mandate to develop a common mechanism for the management of refugees was derived from Article 124 of the EAC Treaty and Article 10 of the EAC Protocol on Peace and Security.
- iv. The process of development of the policy started with a directive of the EAC Chiefs of Refugee Management entities to its technical working group to

work with EAC Secretariat towards developing a common policy on refugee management.

- v. The EAC Secretariat, with support from UNHCR, procured services of two consultants in 2019 to develop the policy.
- 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.
- vii. In June 2022 the Chiefs of Refugee Management entities approved the draft Policy and recommended for its consideration by the Sectoral Council on Interstate Security and subsequent adoption by Council of Ministers.

81. In addition, they stated that EAC Refugee Management Policy focused on the following key areas namely:

- 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, documentation and national databases;
- v. Inclusion of refugees in the national and regional development plans;
- vi. Coordination platforms 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, etc.;
- viii. Durable solutions for refugees, i.e. integration of refugee management in the plans of host communities;
- ix. Environmental management and protection;
- x. The role of host communities, local authorities, national NGOs in refugee management;
- xi. Integration of refugee management in the national development plans and 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. o. Capacity building of national NGOs and integration of local context in the management of refugees;
- xv. Joint capacity development/strengthening of government institutions and other development partners;
- xvi. Regional resource mobilization strategies.

82. The Committee Observed that:

- i. The process of drafting the policy was more consultative and therefore similar consultations need to be carried out in DRC and Republic of Somalia who are the latest entrants into the Community for their views to be included in the policy;

- ii. There was a delay in developing this policy, yet new trends are emerging and may not have been included in the analysis;
 - iii. There were shortcomings in the national laws to inform a regional refugee management policy in terms of harmonization of the policies.
83. The Committee identified a number of challenges in developing the policy, including:
- i. Individual Partner States straining in terms of resources associated with hosting refugees;
 - ii. Partner States policies and legislation on refugees do not comprehensively cover some key aspects of refugee management in the region;
 - iii. Lack of uniformity in implementation of international of international instruments on refugees across the region;
 - iv. Climate change and its impact on refugees and host communities.
84. The also gave the Status of Development of the Policy as follows:
- i. The draft Policy was tabled before the Sectoral Council on Interstate Security in November 2023 in Nairobi;
 - ii. The draft Policy is at the stage of national consultations in new Partner States of Democratic Republic of Congo (DRC) and the Federal Republic of Somalia;
 - iii. In Kenya refugee affairs are governed by the Refugee Act of 2021. The country is in the process of integrating refugees into the society and also developing new regulations to operationalise the new Act. Kenya, as a Partner State in EAC has affirmed the Global Compact on Refugees (GCR);
 - iv. The Policy is necessary to facilitate harmonization of national refugee policies, strategies, and programs;
 - v. The Policy would be one of the ways to actualize provisions of Article 124 of the Treaty establishing the EAC, Article 7 of the EAC Common Market Protocol and Article 10 of the EAC Protocol on Peace and Security.

Observations

85. 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.

Recommendations

86. The Committee recommends to the East African Legislative Assembly to urge 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.
87. The committee also recommends to the Assembly to urge the council of Ministers to direct Partner States to:
 - i. To 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.
88. 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.
89. The Committee recommends to the Assembly to Start modalities of coming up with a Bill that will help in the implementation of the policy.

Committee's Resolution

90. The Committee resolved to adopt the Report of the EALA Committee on Regional Affairs and Conflict Resolution that assessed the progress made in the development of the draft EAC Refugee Management Policy, having been proposed by Hon. Elizabeth Kailemia, MP and seconded by Hon. Peter Orero, MP.

3.7 EALA Report of 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;

The Committee was taken through the EALA Report as follows-

91. The East African Legislative Assembly (EALA) is the legislative organ and institutions of the Community established under Article 9(1) (f) of the Treaty for the establishment of the East African Community. Under Article 49 of the EAC Treaty, the Assembly is mandated to exercise both legislative and oversight functions. Just like the national parliaments of Partner States, EALA works through the committee system.
92. The EALA committee on Communication, Trade and Investment undertook the oversight activity aimed at harmonizing the partner state 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.
93. The aviation industry is crucial for sustainable growth and development in East Africa, as it expands air services, supports economic growth, and increases personal mobility. However, infrastructure inefficiencies and limited competition in many African countries make market access difficult and expensive.
94. Safety issues are also a concern, especially given the projected growth in demand for air services. Despite liberalization of air markets between Africa and outside Africa, most intra-African aviation markets remain closed due to restrictive bilateral agreements.
95. The Yamoussoukro Decision in 1999 committed 44 African countries to deregulating air services and promoting regional air markets for transnational competition. However, implementation has been slow and limited, limiting the potential benefits of liberalizing intra-African air markets.
96. The 18th Sectorial Council on Transportation, Communication, and Meteorology considered regulations for liberalization of air transport services in the EAC and the harmonization and domestication of regulatory frameworks, including Civil Aviation Policy, Civil Aviation Economic Regulation, Competition Regulation, Disputes Settlement Regulation, and Consumer Protection Regulation.
97. The Committee report was tabled in the EALA on 15th July, 2023 and subsequently forwarded to the Kenya National Assembly on the 3rd August, 2023 in line with the provisions of Article 65(a) of Treaty for the establishment of the East African Community.
98. It provides a summary of the oversight activity as detailed in the report of the EALA Committee on Communication, Trade, and Investment.

Background

99. 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.
100. CASSOA started operations on 15th June, 2007 as an autonomous self-accounting institution of the EAC. It was thereafter formally launched on 18th June, 2007 during the 5 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 endeavour to meet their safety and security oversight obligations and responsibilities under the Chicago Convention.

Functions of CASSOA

101. They include the following:
- i. Harmonizing operating regulations to ensure that they meet international standards and recommended practices;
 - ii. Monitor and provide input to the formulation of ICAO SARPS;
 - iii. Developing standardized procedures for licensing, approving, certificating, and supervising civil aviation activities;
 - iv. Providing guidance and assistance to Partner States including putting in place measures for resource sharing particularly for the technical personnel;
 - v. Assist Partner States to meet or comply with ICAO SARPS; and,
 - vi. Evaluate the status of aviation safety and security in the Partner States.
102. 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. 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 whereas Level 2 is Operational assistance functions. State Civil Aviation Authorities retain the final approving authority.

Major Ongoing Projects being implemented by CASSOA –

- (i) Implementation of the EU-Africa Safety in Aviation (EU-ASA) Project funded by European Union and coordinated by European Aviation Safety Agency (EASA),
- (ii) Enhancement of the EAC Examinations System for Aviation Personnel thus the FOL, AMEL, and Arc. This is an ongoing activity. Every year CASSOA purchases new examination questions from various aviation colleges from Europe like CASSOA, then domesticates the exams for use;
- (iii) 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;

- (iv) 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;
- (v) 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 (RS005);
- (vi) Aerodrome Certification Project, by ICAO provided Technical Assistance to some of the Partners States during their Aerodrome Certification Processes, among other ongoing projects.

Challenges

103. The Executive Director informed the Committee that, Institution has been facing the following challenges:
- i. 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;
 - ii. A limited mandate that does not allow enforcement of harmonized standards in the Region;
 - iii. 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;
 - iv. 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;
 - v. 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;
 - vi. Decline in oversight capabilities and compliance to aviation standards among Partner States because of COVID related measures;
 - vii. Delayed liberalization of air transport services in the Region making air transport expensive;
 - viii. Lack of adequate Accident Investigation Capacity (AIG) in the Region - AIG is the worst performing audit area in USOAP.

Report findings

104. The report highlights the following:

A. Enforcement of Aviation Safety and Security Regulations in the Region

105. In a bid to ensure compliance of aviation safety and security rules and regulations in the community, the executive Director informed the committee that CASSO 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;
- ii. 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 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.;
- iii. Model EAC technical guidance material procedures and manuals were developed and were disseminated to Partner States for use. 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;
- iv. 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.

B. Centre for Aviation Medicine

106. 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;

107. 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 compliance. The center will:

- i. 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,
 - ii. Review and evaluate Aviation Medicine related regulations, policies, and standardized technical guidelines.
108. 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.
109. 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 operationalization 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.

C. Primary Law

- i. 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.
- ii. 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.

D. Air Transport Charges, Fees, and Taxes in the Region

110. 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.

E. Harmonization of Regulatory Fees and Charges

111. 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.

F. Converting Air Transport Charges across EAC Region from International to Domestic category.

- i. 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.
- ii. 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.

Observations

The report highlights the following:

A. 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.
- ✓ 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.

B. Failure to harmonize air transport policies

112. 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.

C. Delayed Enactment of the Civil Aviation Act

113. 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.

D. Cost of Air fares

114. The cost of air travel within the region is still very high and unaffordable. The high taxes, charges and fees that affect ticket cost are high in the 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.

E. Centre for Aviation Medicine (CAM)

115. 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 aforementioned Host Agreement of the Centre for Aviation Medicine was concluded signed between the Ministry of Foreign and Diaspora Affairs and the EAC on 6th April, 2023. The Centre is now operational, and the Government of Kenya has provided all the necessary facilitation to operationalise the Centre.

Recommendations

116. In light of the above, the report makes the following recommendations:
- i. 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 to implement its planned activities;
 - ii. The Committee recommends to Assembly to urge the council of Minister to expedite the harmonization of air transport policies asper their commitment under the Treaty;
 - iii. 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. 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;

Committee's Resolution

117. Having examined the Report of 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, the Committee adopted the aforementioned Report as having been proposed by Hon. Peter Orero, MP and seconded by Hon. Danson Mwashako, MP.

3.8 Report on 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

118. The Committee was taken through the **EALA** report as follows –
- i. The Allied Democratic Forces had undertaken indiscriminate attacks on civilian populations and public infrastructure in both Uganda and the DRC on various occasions including the 1998 attack on Kichwaba Technical Institute where over eighty (80) students were killed at the time and many more abducted.
 - ii. The same rebels in 1997 attacked St. John's Catholic Seminary in Kiburara and abducted nineteen seminarians all aged twelve and twenty. The said ADF has also extended its operations in the DRC specifically in North Kivu and Ituri Provinces. As result of these actions the ADF has drawn worldwide condemnation for its brutal violence against Congolese Citizens and regional military forces, with attacks killing more than over 849 Civilians.

Observations

119. The Committee raised concern on the recurring attacks by the Allied Democratic Forces on the vulnerable and unarmed civilian populations in Uganda and DRC and urged the East African Community to protect civilian populations in armed conflicts zones.
120. The resolution advances regional integration as peace is paramount in any set up and hence the need to condemn 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.
121. The resolution seeks to support the EAC initiatives to pacify and get rid of the rebel groups and their activities in that part of the country.
122. The resolution also seeks to address the indiscriminate attack by the Allied Democratic Forces [ADF] on said school and town.

Ministry of East African Community, the ASALs and Regional Development submissions

123. **The Ministry highlighted the following concerning this resolution:**
 - i. Suspected Allied Democratic Forces (ADF) attacked church goers in the town of Kasindi in North Kivu on 15th January 2023. Over 17 people were killed and 36 people wounded.
 - ii. ADF is also suspected to have attacked Lhubirira Secondary school in Kasese District on 16th June 2023 killing 42 people, 37 being school children.
 - iii. ADF has caused a lot of havoc in the Eastern Democratic Republic of Congo (DRC) and South Western Uganda displacing over 800,000 civilian population and disrupting economic activities.
 - iv. The group is an Islamist rebel group originating in Uganda and operating in the South Western part of Uganda and the Eastern part of the DRC.
124. The Ministry further remarked on the Status of Security in Eastern DRC as follows:
 - i. Persistent insecurity in eastern DRC, home to over a 100 rebel groups, makes for a complex geopolitical landscape.
 - ii. The struggle for control over the region's rich natural resources and the involvement of armed militias as proxies by external players has resulted in millions of deaths and displacements. The extraction of these resources has prompted significant investment by foreign-owned companies in machinery, personnel, road connections, and transport equipment to optimize their operations.
 - iii. Consequently, there is a growing demand for adequate security to protect these processes, including the safe transportation of valuable raw materials, amidst hostility from local militias and regional players. As a result, some companies resort to hiring global private security firms like the controversial Wagner Group or even engaging dissatisfied military or local militia groups.
 - iv. Through the Nairobi Process on restoration of peace and security in Eastern DRC, The EAC Heads of State in June 2022, called on all Armed Groups to lay

down their arms voluntarily and pursue their interests through the avenues provided under the EAC-led Nairobi process.

- v. The Heads of State deployed an East African Regional Force (EACRF) to work with the military and administrative forces of the DRC to stabilize and secure the peace in the DRC. Pursuant to this decision Kenyan troops were deployed to the Joint Operation Area from November 2022, with Burundi, Uganda and South Sudan following suit in March and April, 2023.
- vi. The EAC regional force was conceived as a new initiative to bring peace and stability through military intervention in eastern DRC. Kenya took the lead, being perceived as a neutral actor, distinguishing itself from the DRC's other neighboring countries who had played a role in DRC's conflicts.
- vii. The mandate of the EACRF expired on 8th December 2023. Hence the EACRF exited DRC beginning 3rd December 2023.
- viii. The situation continues to be characterized by clashes among the various Armed Groups (AGs), targeted killings, abductions, and assassinations of key local leaders.
- ix. Uganda has embarked on new road construction projects in eastern DRC, which are closely linked to the security and defense agreement between the two countries.

125. **In conclusion, the Ministry emphasized that the Republic of Kenya should continue playing a leading role aimed at achieving a comprehensive political resolution, including dialogue and justice in order to bring lasting results in DRC.**

Committee's Resolution

126. Having examined the Resolution by the EALA 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, the Committee adopted the aforementioned Resolution by EALA as having been proposed by Hon. Naomi Jillo Wago, CBS, MP and seconded by Hon Elizabeth Kailemia, MP.

3.9 Consideration of the Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024; and the East African Community Budget Speech for the Financial Year 2023/2024 and the Supplementary Budgets for FY 2022/2023;

127. The committee was taken through the East African Community Budget for the FY 2023/2024 and the supplementary budgets for financial year FY 2022/2023 as follows –

Supplementary Budget FY 2022/23

128. In FY 2022/2023, the approved budget for the various organs/institutions of the Community was **USD 91,570,215**. On the 12th of July, 2022, the Council of Ministers adopted a Supplementary I budget of **USD 2,620,800** for the various Organs and institutions for the FY 2022/23 which was presented to the Assembly on 31st October 2022 and later approved by the Assembly on 3rd November, 2022. *The breakdown of the*

Supplementary I is not provided hence its rationale and amounts going to specific institutions cannot be determined. It is important to note that, 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”. Therefore, the first supplementary of USD 2,620,800 as approved by the Assembly was within the permissible threshold of 5% of the applicable law since it was 2.86% of the total approved budget.

129. The Council of Ministers on 19th - 23rd February 2023 held a meeting in which they adopted a second supplementary budget of USD 16,408,045 for various Organs and Institutions for FY 2022/2023. Further on 6th April, 2023 the Council of Ministers adopted the third supplementary budget of USD 771,872 for the various Organs and Institutions for FY 2022/2023. It is important to note that the Second Supplementary and Third Supplementary, EAC Supplementary Appropriation Bill (No.1), 2023 and EAC Supplementary Appropriation Bill (No. 2), 2023 were presented for First Reading on 4th April 2023 and 26th May 2023 respectively.

General Observations by the Committee on General Purpose

- (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 (**USD 91,579,215**) of the East African Community for the FY 2022/2023. This is more than the 5% admissible limit pursuant to Section 7(1) of the EAC Budget Act, 2009.
- (ii) Although supplementary budgets are permissible under the law, having three supplementary budgets in a financial year amount to a violation of prudent budgeting principles and is proof of poor planning and budgeting or a lack of competent technocrats to appropriately advise the Council of Ministers.
- (iii) In the 2nd and 3rd Supplementary budgets under consideration, out of **USD 2,414,562** funding from the EAC General Reserve, **USD 1,433,843** equivalent to 59.4% was allocated to the EAC Secretariat making it the biggest beneficiary of funding from the General Reserve Fund compared to other EAC Organs/Institutions. The Committee considered this to be very unfair since other EAC Organs/Institutions do have equally unfunded and underfunded priorities.
- (iv) When the 2nd Supplementary Budget was tabled on 4th April, 2023, the Assembly did not have funds in its budget to consider the request. Upon consultation with the Council of Ministers, the Committee recommended that the Assembly approves a rationalization/reallocation of **USD 164,030** (USD 107,900-consideration of 2nd Supplementary plus USD 56,130 for three additional days to conclude FY 2023/2024 budget scrutiny).
- (v) In the 2nd Supplementary Budget, the Council of Ministers earmarked a total sum of **USD 2,969,497** for procurement and installation of translation equipment in the various Organs/Institutions.

- (vi) The procurement of translation equipment is meant to operationalize the Summit directive on formalizing the French language as one of the official languages of the EAC. The Committee noted that the procurement was very expensive and couldn't establish the rationale for the budget line because they couldn't access basic documents like quotations from prospective suppliers. In addition, the Committee did not see any rationale for each Organ/Institution to procure and install a separate set of translation equipment at such an astronomical cost at the time when the Community is grappling with scarce resources and poor remittance of funds by Partner States. Consequently, the Committee recommended that the Assembly stays the approval of all the funds that were earmarked for the procurement and installation of translation equipment. In addition, the Committee recommended 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.
- (vii) Contribution from Democratic Republic of Congo (DRC) of **USD 7,996,345** that was factored in the 2nd Supplementary Budget. However, as at 15th June 2023, the DRC had not made any remittance of funds to the Community. Therefore, the activities that were earmarked to be funded by DRC contribution would not be possible to implement in FY 2022/2023. Notwithstanding, the Committee noted that USD 2,478,736 of the DRC funding had either been incurred or committed. Based on the aforementioned, the Committee recommended that the Assembly approves the contribution from the DRC towards the 2nd Supplementary Budget as follows: -
- a) **USD 2,478,736** be allocated to the following EAC Organs/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 expenses incurred on programmes/activities as indicated in Annex I.
 - b) The balance of **USD 5,517,609** from DRC's contribution to be taken to the EAC General Reserve Fund.
- (viii) As required by Regulation 19 of the EAC Financial Rules and Regulations on eligibility test ((a) the matter is an emergency-very urgent and (b) when funds cannot be secured through reallocation within the approved budget) of granting supplementary budget the Committee found that programmes/activities amounting to **USD 643,370** failed the eligibility test for supplementary funding. The Chairperson of the Council indicated that whereas he agreed with the Committee on this matter, most of the Organs/Institutions had commenced implementation of the programmes/activities that failed the test. Consequently, the House resolved that the said Organs/Institutions proceed with the implementation of the said programmes/activities.
- (ix) Every incoming (new) Assembly is given priority for an outreach activity of the region's 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. To achieve this, the Committee recommended that the Assembly

approves rationalization/reallocation of **USD 798,500** (See Annex III) to EALA to enable the Assembly to undertake the inaugural outreach of the Community in FY 2022/2023.

Specific Recommendations by the Committee on General Purpose

130. In view of the above foregoing, the Committee made the following specific recommendations:

- (i) The Assembly approves the rationalization/reallocations of **USD 962,540**;
- (ii) The Assembly approves a total sum of **USD 11,904,329** under the 2nd Supplementary Budget request to facilitate the implementation of various programmes and activities in the EAC Organs and Institutions in FY 2022/2023;
- (iii) The Assembly also approved **USD 771,872** under the 3rd Supplementary Budget request to facilitate implementation of various programmes and activities in the Organs/Institutions of the Community in FY 2022/2023;
- (iv) The Assembly directed the Clerk of the Assembly to transmit to the Secretary General within 24 hours after the approval of the two supplementary budgets, a schedule of rationalization/reallocations for appropriate adjustments in the EAC Budget Management System;
- (v) The Assembly directed the Secretary General to:
 - a) *make appropriate adjustments in the EAC Budget Management System to accommodate the rationalization/reallocations as approved by the august House in these supplementary budgets not later than 19th June 2023; and,*
 - b) *submit and lay before the Assembly the final signed copies of the two supplementary budgets at the next sitting of the Assembly.*
- (vi) 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.
- (vii) The Assembly adopts the Committee report and approves the EAC Supplementary Appropriation Bills (No. 1 and No.2) 2023 with the above amendments.

Recommendation

131. The Committee recommends the following –

- (i) The Community needs to take bold steps in ensuring that all Partner States are contributing their dues as per the EAC Treaties taking into account those countries that have challenges in paying the subscription.
- (ii) No need for a Supplementary budget if some Partner States are facing challenges of paying their annual contribution to the Community.
- (iii) With regards to the Partner State's GDP; the need to revise the current formula used by EAC as it is unsustainable.
- (iv) The total supplementary budget for FY 2022/2023 approved by the Assembly is **USD 15,297,001** (1st Supp.-USD 2,620,800 + 2nd Supp.-USD 11,904,329 + 3rd

Supp.-USD 771,872). This translates to 17% of the approved budget (**USD 91,579,215**) which is more than the 5% admissible limit pursuant to Section 7(1) of the EAC Budget Act, 2009. This is a demonstration of lack of fiscal discipline to abide within the set rules and poor budgetary planning. Consequently, there is need for the Council of Ministers to ensure that there is fiscal discipline and proper budgetary planning to ensure efficient and effective use of the Community resources.

- (v) To address the issue of non-payment/delay in payment by the Partner States Contributions for new members like DRC, there should be an amendment to the Treaty requiring new Members to make advance payments for 2 years before their admission is ratified.

Resolution

132. Having examined the East African Community Budget Speech for the Financial Year 2023/2024 and the Supplementary Budgets for FY 2022/2023, the Committee adopted the aforementioned Resolutions as having been proposed by Hon. Peter Orero, MP and seconded by Hon. Danson Mwashako, MP.

Ministry of East African Community, the ASALs and Regional Development Submissions

133. The Ministry input in this regard were as follows;

1. The Assembly made reallocation and readjustments in the budget submitted to it by the Council of Ministers and approved the budget with amendments, a move that was objected to by the DRC and United Republic of Tanzania hence the budget Bills shared by EALA could not be assented to by Partner States. The Republic of Rwanda also alleged duplication in the budget which needed to be cleaned.
2. In accordance with Article 63 of EAC Treaty and Rule 73 of EALA Rules of Procedure, the Chair Council tabled the following before the Assembly for reconsideration;
 - i. The EAC Supplementary Appropriation Bill, 2023;
 - ii. The EAC Appropriation Bill, 2023;
 - iii. The letter from the DRC with budget concerns;
 - iv. Two letters from URT with concerns for consideration by the Assembly; and
 - v. The request from Council of Ministers for the Assembly to finalize approval of EAC Supplementary Appropriation Bill No.1 and EAC Appropriation Bill, 2023 and resubmit the same to the Partner States for assent.

134. Subsequently the Assembly referred the Bills to the General-Purpose Committee (GPC) for reconsideration. The GPC held a meeting with the Council of Minister to reconsider the EAC Appropriation Bill, 2023 and the EAC Supplementary Appropriation Bill, 2023, and communication from DRC and Tanzania objecting to variations in ceilings of the budget of the Organs and institutions of the Community.

135. The Bills were reconsidered and eventually reverted to the earlier budget submission by Council to EALA. This was done in the spirit of Article 49(2) (b) of the Treaty which provides that the Assembly “shall **debate and** approve the budget of the Community” while Article 14 (3) (e) provides that the Council “shall consider the budget of the Community”. The Assembly is therefore not expected to make reallocations and adjustments to the proposed budget.
136. The 51st Extra ordinary Council of Ministers held their sitting on 13th September 2023 and considered the budget matters. The Council proposed a one-off approval of two-day sitting for the Committee on General Purpose to facilitate additional two days for EALA to reconsider and adopt the budget as approved by the Council to facilitate implementation of programmes in the current Financial Year.
137. EALA is yet to re-submit the approved budget Bills to Partner States for Assent.

3.10 The EALA Report of the Committee on Accounts on the Oversight Activity to the East African Health Research Commission

138. The committee was taken through the EALA report of the committee on accounts on the oversight activity to the East African Health Research Commission as follows –
- i. 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.
 - ii. 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.
 - iii. 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 bedeviled EAHRC operations.
 - iv. The Committee is fully convinced that the numerous challenges notwithstanding, the EAHRC has the potential to become the leading health research institution in EAC.

Background

139. The Committee was taken through the (EAHRC);
12. 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 EAC 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.

Committee on Regional Integration: Report on the consideration of Business Transacted by the East African Legislative Assembly at the 4th Meeting of the 1st Session of the 5th Assembly From 11th - 23rd June, 2023

13. 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.

Objectives of the Single Customs Territory

140. The Committee were taken through specific objectives for the Commission;
- i. Establish research programmes, networks, partnerships, and centres of excellences in health research;
 - ii. Establish capacity development and capacity utilization programmes;
 - iii. Create an environment that is conducive for research, including harmonized regional regulatory affairs and ethics reviews frameworks in the Partner States;
 - iv. Establish mechanisms for health research knowledge management: and Mobilise resources to support health research for development.

Report Findings

141. The Committee were taken through the report highlights as follows:

The key findings are divided into two parts;

- i. Performance of programs and projects of the EAHRC;
- ii. Financial performance of the EAHRC.

Programs of performance programs and projects of the EAHRC

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

Strategic intervention of Ethics and Research Development

142. In 2019, the EAHCR 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.

Research Innovation and development

143. In this framework, the activity involved the implementation of the digital regional East Africa Community Health Initiative (Digital REACH). 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.

Resource Mobilization

144. Under this framework, baseline assessments and mappings were undertaken to determine the sources of domestic financing in Health research in EAC Partner States.
145. 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.

Infectious Diseases Programme

146. Under this programme two studies were undertaken namely, the Cholera and the COVID 19 outbreak.

Observations

147. The committee recognizes and applauds the Health Research Commission and CDC Africa for having been proactive in formulating a regional Protocol to combat COVID19.
- a. 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.
 - b. However, 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 (REACH PMI)
 - ii) Infectious Diseases Surveillance: case or 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 Tor Last 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

Ministry of East African Community, the ASALs and Regional Development Submissions

148. The Ministry remarked as follows with regard to EACHRC:
- 1) **Budget** - The EAHRC has challenges of funding and this has impacted negatively on the execution of its programmes and Projects. It depends mainly on funding from development partners. For optimal performance of EAHRC in the implementation of its activities, it is imperative for the Council of Ministers to set adequate budget for funding of the EAHRC programmes and Projects.

- 2) **East Africa Health Scientific Conference** - So far eight (8) East Africa Health Scientific Conferences have been held successfully and biennially (after two years) on rotational basis. The 8th EAHSC was held in the Republic of Kenya in November, 2021. The 9th EAHRC was held in the Republic of Rwanda from 27th to 29th September, 2023.
- 3) **Under staffing** - East Africa Health Research Commission is grossly understaffed, this should be a priority for the Council of Ministers to address to enable the Commission to deliver on its mandate. There is a need to urgently recruit an Executive Secretary.
- 4) **Strategic Plan 2021-2026** - The Strategic Plan 2021-2026 has been developed and validated. It will be presented to the 24th Sectoral Council on Health for consideration and adoption. However, it should be noted that the Commission has continued to get approvals to enable it to meet its obligations.
- 5) **Construction of the East Africa Health Research Commission Headquarters** Evaluation of technical proposals and opening of financial proposals have been done to allow the Research Commission to procure consultancy services for designs and construction supervision of the proposed permanent East Africa Health Research Commission Headquarters in Bujumbura, Burundi. An evaluation was done, the contractor procured, now at the finalization of the contract. 27
- 6) **The East African Community Sexual and Reproductive Health Bill, 2021** - This bill should be reinstated as business of the 5th Assembly and finalized.
- 7) **The mandate of the EAHRC vis a vis that of the EAC health department** - The EAC Health Department is an arm of the EAC Secretariat charged with the EAC coordination of the following regional health projects and programmes:
 - i. generation of regional health policies; and,
 - ii. coordinating regional programmes and initiatives in health in collaboration with the EACHRC which is focusing more on research development and health evidence generation.

149. The EAC Health Research Commission is coordinating mainly the institutions of research from the EAC Partner States. It brings together the Health Research Commissioners from the Partner States especially from the National Institutes of Public Health. The health research publications in the region are normally collected and reviewed by a regional team of reviewers under the coordination of the EAHRC and published in the EA Health Scientific Conference and then uploaded/published in the EA 28 Health Research Journal. As such there is no overlap between the 2 entities. There are only complementarities.

150. The EAC Health Department has developed a draft protocol which shall give more clarity in terms of the mandate of the Health Department and the Health Research Commission which is a semi-autonomous institution dealing with health research.

151. The 19th Sectoral Council of Ministers of Health directed the EAC Secretary General to convene a meeting of the senior health experts from the Partner States to re-align the

roles, functions and mandate of the East African Health Research Commission and the EAC Health Department and submit a report for consideration by the 20th Sectoral Council of Ministers of Health.

152. Further, the 23rd Sectoral Council of Ministers of Health directed: the EAC Secretariat to constitute a team of Experts from Partner States to undertake an assessment to redesign the EAHRC, considering the mandate, scope of work, objectives, structure and challenges and review the status of implementation of previously approved works and present the report to the Extraordinary Meeting of Sectoral Council of Ministers responsible for Health by September 2023.

Committee Observations

153. 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 a research proposal for instance, the study of Covid-19 could not be carried out because of lack of funding although ethical approvals were provided;
 - iii) There was a lack of harmonized guidelines in the ethics framework for multi-country research studies.
154. The EALA 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.

Health Scientific Conference

155. Basing on the previous conference, E A R has brought on board the following academic institutions from the EAC Partner States as it prepares to convene the 19th East African Health and Scientific Conference. These institutions were enlisted to collaborate with the EHRC in organizing the symposium.
- 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) **United Republic of Tanzania**

National Institute for Medical Research (NIMR) and the Muhimbili University of Health and Allied Sciences (MUHAS)

vi) **In Uganda**

Male Clinical Studies Research Institute

156. 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 timelines;
 - iii. The delays in nominating the National Scientific Councils which has a negative impact in the regional steering committee and in the submission of the manuscripts.

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

UN-transferred contributions from partner states.

158. EAHRC had budgeted to collect revenue amounting to USD 1872,690 from Partner States but only received USD 1,203,275; leaving a balance of USD 669,415 uncollected.

Understaffing

159. According to the approved organisational structure of EARC, 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 a contractual basis while the other 27 positions are vacant.
160. 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.

Observations

- i. Lack of continuity of service in case the existing staff reach their tour of duty;
- ii. Lack of proper segregation of duties;
- iii. Poor service delivery and under performance;
- iv. Delay in making key management decisions in the implementation of EAHRC objectives;

- v. The shortfall in revenue collection negatively affected the implementation of EAHRC planned activities;
- vi. 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 and resolution

161. The committee recommends to the Assembly to the urge the council of Ministers to –
- (i) ensure that the Management of EAHCR strives to attain optimal staffing levels sufficient to enable it to deliver on its mandate. Priority should be given to the recruitment of the Executive Director;
 - (ii) set aside funding for Health Research rather than relying entirely on donor funding;
 - (iii) ensure that EAHRC receives its remittance to enable it to implement its planned activities;
162. Having examined the Resolution by the EALA Committee on Accounts on the Oversight Activity to the East African Health Research Commission, the Committee on Regional Integration adopted the aforementioned Resolution as having been proposed by Hon. Elizabeth Kailemia, CBS, MP and seconded by Hon Naomi Jillo Waqo, MP.

3.11 Resolution of the Assembly Urging the Council of Ministers and the Partner States to Enhance the Effective participation of Women And Youth in Business and to Equip them Take Advantage of the Opportunities Under the AFCFTA

163. The Ministry East African Community, the ASALs and Regional Development Submissions in their Submission noted that,
- 1. The African Continental Free Trade Area (AFCFTA) is a flagship project of the AU Agenda 2063, which is a strategic framework for the socio-economic transformation of the continent in the next 45 years.
 - 2. The main objectives of the AFCFTA are to create a single continental market for goods and services, with free movement of business persons and investments, and thus pave the way for accelerating the establishment of a continental customs union.
 - 3. The implementation of the AFCFTA agreement is guided by the protocols, among them, the Protocol on Women and Youth in Trade. The Protocol has undergone extensive discussions and was adopted by the Council of Ministers during their 12th meeting held in December 2023 in Dar es Salaam. The protocol was adopted by AU Assembly in February 2024.
164. **Capacity building and technical assistance:** The Protocol through targeted programmes designed to improve the knowledge of women on intellectual property rights, standards, and other non-tariff measures but also to improve their capacity to comply. This is also done while taking into consideration the capacity needs of women in rural

areas to ensure they benefit from AFCFTA. This will improve their competitiveness in the market.

165. **Access to Finance:** the protocol requires that state parties implement measures that facilitate access to affordable financial instruments, services and guarantees adapted to trading activities by Women and Youth in Trade to enable them to import and export as well as protect them from trade-related risks. This initiative enhances access to financial services and support, giving room for Women and Youth to start and grow their businesses. As a result, more new jobs and economic opportunities will be created.
166. **Harmonization of National, Regional and Continental Programmes that support Capacity building and technical assistance:** The Protocol through targeted programmes designed to improve the knowledge of women on intellectual property rights, standards, and other non-tariff measures but also to improve their capacity to comply. This is also done while taking into consideration the capacity needs of women in the rural areas so as to ensure they benefit from AFCFTA. This will improve their competitiveness in the market.
167. **Access to Finance:** the protocol requires that state parties implement measures that facilitate access to affordable financial instruments, services and guarantees adapted to trading activities by Women and Youth in Trade to enable them import and export as well as protect them from trade related risks. This initiative enhances access to financial services and support, giving room for Women and Youth to start and grow their businesses. As a result, more new jobs and economic opportunities will be created.
168. **Development of Productive and Export Capacity:** The State parties are required to develop and strengthen special Programmes for Women and Youth in Trade to enhance their productive capacity and foster their integration into regional and continental value chains as well as promote their participation in national, regional continental trade fairs, business fora, conferences, and any other platforms. This will enhance use of advanced technologies in the production of quality goods, hence increasing the visibility of their products and services, thus increasing their income.
169. **Participation in Formal Trade Activities by Women and Youth in Trade:** state parties to take measures that promote the participation of Women and Youth in Trade in formal cross border trade and enforce trade facilitation instruments and other related international instruments to support Women and Youth in small scale cross border trade. This creates networking amongst traders from different countries, the AFCFTA encourages networking and collaboration, strengthening partnerships, mentorships, and sharing of knowledge.
170. **Women and Youth-owned or led Micro, Small and Medium sized Enterprises:** the protocol requires that state parties take appropriate measures to facilitate and support business associations and business clusters in order to facilitate their participation in trade within the framework of the AFCFTA. Women and youth being the main participants in MSMEs which is the engine of Africa countries' economies, the removal of trade barriers within the continental borders offers the access to a larger market.
171. **Protection against Harassment and Related Practices:** the state parties to implement and monitor mechanisms to prevent, discourage, address, and eliminate all forms of

harassment and related practices that compromise the security and safety of Women and Youth in Trade.

172. **Access to trade information:** The AFCFTA Agreement, its Protocols and Annexes tailored to the targeted group of women in trade and made to be available in an understandable language. Further, ensure the enquiry points are responsive to the trade related information needs of women and youth, address the specific needs, empowering them to participate in decision-making processes.

Resolutions:

173. The Committee resolutions were as follows;
- (a) Develop and implement programs and activities specifically targeting women and youth aimed enhancing capacity of Women and Youth startups or entrepreneurs and producers in the community in order to increase the effective participation of women and youth in business;
 - (b) To direct the Secretary General to explore and enhance engagements with private sector, the business community and development to increase and support programs that boost the capacity of women and youth startups or the entrepreneurs and producers to participate in cross -border trade and the AFCTA; and
 - (c) Direct the Secretary General to mobilize funds from development partners private sector and the partner states to support women and youth led platform and collaborate with East Africa Business Council to support Women and youth businesses.

Resolution

174. Having examined the Resolution by the EALA committee urging the council of ministers and the partner states to enhance the effective participation of women and youth in business and to equip them take advantage of the opportunities under the AFCFTA on the resolution is strategic, timely and necessary.
175. The Community is committed to support and empower women – who form 60 % of the Community’s population - and the youth as an affirmative action to promote their participation in development. There has not been full implementation of these agreements and protocols by state parties and actors and recommend full implementation as having been proposed by Hon. Elizabeth Kailemia, MP and seconded by Hon Naomi Jillo Waqo, MP, CBS.
176. The committee further needs to adopt and push for its implementation by the relevant stakeholders in the country as its aims to boost the capacity of women and youth to participate in businesses in the community.

SPECIFIC RECOMMENDATION

177. In considering the reports, the Committee on Regional Integration deliberations and findings specific to each report are briefly discussed hereunder, The Committee made the recommendation relating to the specific following Reports.

(1) On Resolution of the Assembly to Support the East African Pamoja Bid to Host the 2027 African Cup of Nations in the East African Community Region, the Committee made the following recommendations -

- a) The Committee applauded EALA resolution to bid for AFCON in East Africa however they were concerned on the criteria used allocated respective cities especially in Kenya;
- b) The Committee also underscored the need to also consider other cities in the country that have similar facilities like Eldoret; Stadium.

(2) On Resolution of the Assembly Recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community Region to Boost Trade, the Committee made the following recommendations -

- (i) The National Assembly's Committee on Regional Integration applauded EALA for the resolution on the use of single currency as this will benefit Partner States in terms of investment and shielding the region from foreign shocks emanating from outside the region;
- (ii) There's need for Kenya to also evaluate the gains and losses following the adopting of single currency as it may not be a positive move as Kenya's economy is not doing well as required;
- (iii) The Committee applauded the EALA for its recommendation to the Council of Ministers and Partner States to operationalize the use of the local currencies in all transactions in the Community in order to facilitate intra-regional trade; however, there were concerns over its practicability considering existence of different exchange rate.

(3) On the issue relating to Legal, Rules and Privileges on the Consideration of the Proposal to Amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly, the Committee recommended the following -

- iv. Increasing the membership from fifteen to 21 to facilitate broader participation and representation to ensure representation from all member states. In the assembly and its committees.
- v. The Committee emphasized the need for efficient decision-making mechanisms to avoid delays and bottlenecks.
- vi. Members proposed exploring methodologies employed by the European Union (EU) to address similar issues. Borrowing from EU practices could provide valuable insights into optimizing committee structures and decision-making processes within EALA.

(4) On the Resolution of the EALA Assembly urging the Council and Partner States to Fast-track the implementation of the 2014 Malabo Declaration on accelerated Agriculture Growth and Transformation for shared prosperity and improved Livelihoods;

1. Kenya has allocated 3% of its annual budget to the agriculture sector which is less than the 10% recommended by EAC and the Malabo declaration and that there's need for the Ministry of Agriculture and Livestock Development as well as The National Treasury and Economic Planning to allocate more funds to realize the Malabo declaration.
2. The Committee suggested a midterm budget increase as a parameter to achieve the Malabo declaration noting that the Republic of Rwanda is the only Partner State in the Community that has shown commitment to the Malabo declaration as per the Article 105 of the Treaty in terms of co-operation in the agricultural sector are the achievement of food security and rational agricultural production within the Community.

(5) On the Report by the East African Legislative Assembly's 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; the Committee on Regional Integration adopted the following recommendation as presented:

- i. 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 to implement its planned activities;
- ii. 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. 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. 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;

(6) On the Report on 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

The Committee on Regional Integration directs that the Republic of Kenya should continue playing a leading role aimed at achieving a comprehensive political resolution, including dialogue and justice in order to bring lasting results in DRC.

(7) On the consideration of the Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024 and the East African Community Budget Speech for the Financial Year 2023/2024. The Committee on Regional Integration made the following Recommendations -

- a. The East African Community needs to take bold steps in ensuring that all Partner States are contributing their dues as per the EAC Treaties taking into account those countries that have challenges in paying the subscription.
- b. No need for a Supplementary budget if some Partner States are facing challenges of paying their annual contribution to the Community.
- c. With regards to the Partner State's GDP; the need to revise the current formula used by EAC as it is unsustainable.
- d. To address the issue of non-payment/delay in payment by the Partner States Contributions for new members like DRC, there should be an amendment to the Treaty requiring new Members to make advance payments for 2 years before their admission is ratified.
- e. The Ministry of East African Community, the ASALs and Regional Development should urge the Council of ministers to make amendment to the Treaty for the Establishment of the EAC.

COMMITTEE RESOLUTION

178. The Committee on Regional Integration considered the Report on its consideration of Business Transacted by the East African Legislative Assembly at the Fourth Meeting of the First Session of the Fifth Assembly from 11th - 23rd June, 2023 in Arusha, Tanzania Bills, Reports and Resolutions transacted by EALA as having being proposed by Hon Richard Yegon, MP and seconded by Hon Christopher Aseka, MP. The Report comprises of Bills, Reports and Resolutions transacted by EALA are as follows -

- (i) The Supplementary Budget of the East African Community for the Financial Year 2022/2023;
- (ii) The East African Community Supplementary Appropriation Bill, 2023;
- (iii) The East African Community Supplementary Appropriation Bill, (No.2) 2023;
- (iv) The East African Community Appropriation Bill, 2023;
- (v) Report of the Committee on General Purpose on the EAC Supplementary Appropriation (No.1) and (No.2) Bills;
- (vi) Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024;
- (vii) Report of the Committee on Legal, Rules and Privileges on the oversight activity on implementation of the Protocols and Laws Governing EAC Institutions;
- (viii) Report of the Committee on Communication, Trade, and Investment on the oversight activity on Civil Aviation Safety and Security Oversight Agency;

- (ix) Report of the Committee on Legal, Rules and Privileges on consideration of the proposal to amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly;
- (x) Report of the Committee on Accounts on the oversight activity to assess the programmes and performances of the East African Health Research Commission;
- (xi) Report of the Committee on Regional Affairs and Conflict Resolution on the oversight activity to assess the progress made in the development of the EAC Refugee Management Policy;
- (xii) A Resolution of the Assembly urging the Council of Ministers and the partner States to enhance the effective participation of Women and Youth in Business and to equip them take advantage of the opportunities under the AfCFTA;
- (xiii) A Resolution of the Assembly to reinstate the pending Bills of the 4th Assembly into the 5th Assembly;
- (xiv) A Resolution of the Assembly recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community region to boost trade;
- (xv) A Resolution of the Assembly to support the East African Pamoja Bid to host the 2027 African Cup of Nations in the East African Community Region;
- (xvi) A Resolution of the Assembly urging the Council of Ministers and the Partner States to fast-track the implementation of the 2014 Malabo Declaration on Accelerated Agriculture Growth and Transformation for Shared Prosperity and Improved Livelihoods; and
- (xvii) A Resolution of the Assembly 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.

Signed..... 

Date... 13/6/2024

THE HON. WANJIKU MUHIA, M.P, CBS.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
PAPERS

DATE: 18 JUN 2024 TUESDAY

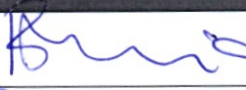
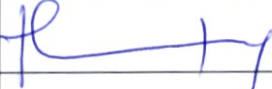


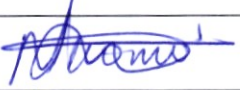
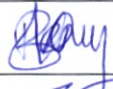





TABLED BY:	HON WANJIKU MUHIA CHAIRPERSON
CLERK-AT-THE-TABLE:	INZOFU MYALE

COMMITTEE ON REGIONAL INTEGRATION

ADOPTION LIST

Adoption of the Report on the Consideration of Business Transacted by the East African Legislative Assembly at the 4th Meeting of the 1st Session of the 5th Assembly from 11th to 23rd June, 2023 in Arusha, Tanzania

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

No.	HON. MEMBER	SIGNATURE
1.	Hon. Muhia, Wanjiku, CBS, M.P.	
2.	Hon. Yakub, Farah Salah, M.P.	
3.	Hon. Ochieng, David Ouma, CBS, M.P.	
4.	Hon. Mokaya Nyakundi Japhet, M.P.	
5.	Hon. Gitari, Joseph Gachoki, M.P.	
6.	Hon. Jhanda, Zaheer, M.P.	
7.	Hon. Yegon, Richard Kipkemoi, M.P.	
8.	Hon. Mutua, Didmus Wekesa Barasa, M.P.	
9.	The Hon. Kailemia Elizabeth Karambu, M.P.	
10.	Hon. Waqo, Naomi Jillo, MBS, CBS, M.P.	
11.	Hon. Kemei Beatrice Chepng'eno, M.P.	
12.	Hon. Rutto, Julius Kipletting, M.P.	
13.	Hon. Kasiwai, Rael Chepkemoi, M.P.	
14.	Hon. Odanga, Geoffrey Makokha, M.P.	
15.	Hon. Salasya Peter Kalerwa, M.P.	
16.	Hon. Mwakuwona, Danson Mwashako, M.P.	
17.	Hon. Okuome Andrew Adipo, M.P.	
18.	Hon. Orero Peter Ochieng, M.P.	
19.	Hon. Masito Fatuma Hamisi, M.P.	
20.	Hon. Mrembo, Irene Njoki, M.P.	
21.	Hon. Wangaya Christopher Aseka, M.P.	

MINUTES OF THE 19TH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 11TH JUNE, 2024 AT 12.00 NOON IN COMMITTEE ROOM 20 ON 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS

PRESENT

1. **Hon. Wanjiku Muhia, CBS,MP** - **Chairperson**
2. **Hon. Farah Salah Yakub, MP** - **Vice Chairperson**
3. Hon. Naomi Jillo Waqo, CBS, MP
4. Hon. Joseph Gachoki Gitari, MP
5. Hon. Christopher Aseka Wangaya, MP
6. Hon. Julius Kipletting Rutto, MP
7. Hon. Fatuma Hamisi Masito, MP
8. Hon. Richard Kipkemoi Yegon, MP
9. Hon. Irene Njoki Mrembo, MP
10. Hon. Beatrice Chepngeno Kemei, MP
11. Hon. Rael Chepkemoi Kasiwai, MP
12. Hon. Peter Kalerwa Salasya,MP

APOLOGIES

1. Hon. David Ochieng Ouma, MP
2. Hon. Andrew Adipo Okuome,MP
3. Hon. Geoffrey Makokha Odanga, MP
4. Hon. Elizabeth Karambu Kailemia, MP
5. Hon. Danson Mwashako Mwakuwona , MP
6. Hon. Didmus Wekesa Barasa Mutua, MP
7. Hon. Peter Ochieng Orero, MP
8. Hon. Zaheer Jhanda, MP
9. Hon. Japheth Nyakundi Mokaya, MP

IN ATTENDANCE

Committee Secretariat

1. Mr. Mohamed Jimale - Clerk Assistant I
2. Ms. Jane Ouko - Clerk Assistant III
3. Mr. Bernard Toroitich - Clerk Assistant II
4. Mr. Dominic Mwendwa - Legal Counsel II
5. Ms. Mercy Mayenda - Media Relation officer III
6. Mr. Edwin Mwebi - Fiscal Analyst
7. Mr. Moses Kariuki - Sergeant At Arms
8. Mr.Cheboi Dominic - Audio Officer(**Intern**)
9. Ms. Jewel Vuyanzi Kasamba - Legal(**Pupil**)
10. Mr. Shekhune Abubakar - Legal (**Intern**)

MIN. NA/ DAA&GPC/ RIC/2024/99

PRELIMINARIES

The Chairperson called the meeting to order at 12.29 p.m. with a Prayer.

The agenda was unanimously adopted as listed hereunder on the proposal of Hon. Christopher Aseka Wangaya, MP and seconded by Hon Richard Kipkemoi Yegon, MP.

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;
4. Matters Arising;
5. **Consideration and adoption of the draft Report on the Business transacted by the East African Legislative Assembly at the 4th Meeting of the 1st Session of the 5th Assembly from 11th - 23rd June, 2023 in Arusha, Tanzania;**
6. Any other Business; and
7. Adjournment.

Minutes of the 18th Sitting held on Thursday 30th April, 2024 were confirmed as a true record of the proceedings on the proposal of Hon. Fatuma Hamisi Masito, MP and seconded by Hon. Peter Kalerwa Salasya, MP.

REF MIN.NA/ DAA&GPC/ RIC/2024/97, the Committee resolved to have a retreat in Mombasa with the following Ministries to discuss matters relating to the Pamoja Bid to host the 2027 African Cup of Nations in the East African Region and Kenya's status of implementation and attainment of the goals of the Malabo Declaration on accelerated agriculture growth:

- Ministry of Youth Affairs, Sports and the Arts; and
- Ministry of Agriculture and Livestock Development.

Dates of the retreat would be communicated in the next meeting.

The Committee considered the Report which contains Bills, Reports and Resolutions transacted by the EALA at its Fourth Meeting of the First Session of the Fifth Assembly which took place on 11th to 23rd June, 2023 in Arusha, Tanzania.

Subsequently, the various reports were transmitted to the National Assembly for deliberation as provided for in Article 65 of the Treaty Establishing the East African Community and subsequently committed to

the Select Committee on Regional Integration for consideration and reporting.

The reports were as follows –

- (i) The Supplementary Budget of the East African Community for the Financial Year 2022/2023;
- (ii) The East African Community Supplementary Appropriation Bill, 2023;
- (iii) The East African Community Supplementary Appropriation Bill, (No.2) 2023;
- (iv) The East African Community Appropriation Bill, 2023;
- (v) Report of the Committee on General Purpose on the EAC Supplementary Appropriation (No.1) and (No.2) Bills;
- (vi) Report of the Committee on General Purpose on the East African Community Budget Estimates for Revenue and Expenditure for FY 2023/2024;
- (vii) Report of the Committee on Legal, Rules and Privileges on the oversight activity on implementation of the Protocols and Laws Governing EAC Institutions;
- (viii) Report of the Committee on Communication, Trade and Investment on the oversight activity on Civil Aviation Safety and Security Oversight Agency;
- (ix) Report of the Committee on Legal, Rules and Privileges on consideration of the proposal to amend Rule 80(6) of the Rules of Procedure of the East African Legislative Assembly;
- (x) Report of the Committee on Accounts on the oversight activity to assess the programmes and performances of the East African Health Research Commission;
- (xi) Report of the Committee on Regional Affairs and Conflict Resolution on the oversight activity to assess the progress made in the development of the EAC Refugee Management Policy;
- (xii) A Resolution of the Assembly urging the Council of Ministers and the partner States to enhance the effective participation of Women and Youth in Business and to equip them take advantage of the opportunities under the AfCFTA;
- (xiii) A Resolution of the Assembly to reinstate the pending Bills of the 4th Assembly into the 5th Assembly;
- (xiv) A Resolution of the Assembly recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community region to boost trade;
- (xv) A Resolution of the Assembly to support the East African Pamoja Bid to host the 2027 African Cup of Nations in the East African Community Region;
- (xvi) A Resolution of the Assembly urging the Council of Ministers and the Partner States to fast-track the implementation of the 2014 Malabo Declaration on Accelerated Agriculture Growth and Transformation for Shared Prosperity and Improved Livelihoods; and
- (xvii) A Resolution of the Assembly 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.

Resolution

Having examined the Report on consideration of Business Transacted by the East African Legislative Assembly at the Fourth Meeting of the First Session of the Fifth Assembly from 11th - 23rd June, 2023 in Arusha, Tanzania, the Committee resolved to adopt it as having being proposed by Hon Richard Yegon, MP, and seconded by Hon Christopher Aseka, MP.

MIN.NA/ DAA&GPC/ RIC/2024/104

ANY OTHER BUSINESS

- i. Members who attend meetings would be given preference when traveling abroad for Committee activity, and;
- ii. The Committee resolved to have a capacity building retreat in the next Financial Year preferably outside the country, in order to enhance Members' ability to execute their oversight and legislative roles.

MIN. NA/ DAA&GPC/ RIC /2024/105

ADJOURNMENT

The meeting was adjourned at 1:50 p.m. Next meeting would be held on Thursday 13th June, 2024 at 12:00 noon in the same venue.

Signed Wanjiku Muhia

Date 12/6/2024

HON. WANJIKU MUHIA, CBS, MP – CHAIRPERSON



REPUBLIC OF KENYA
MINISTRY OF EAST AFRICAN COMMUNITY, ASALs AND REGIONAL DEVELOPMENT
STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY

**COMMENTS ON THE EAST AFRICAN LEGISLATIVE ASSEMBLY (5TH ASSEMBLY) BILLS,
REPORTS AND RESOLUTIONS**

26TH AND 27TH APRIL 2024

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1 . THE SUPPLEMENTARY BUDGET OF THE EAC FOR FY 2022 /2023; THE EAC SUPPLEMENTARY APPROPRIATION BILL, 2023 ; THE EAC SUPPLEMENTARY APPROPRIATION BILL, (NO.2) 2023; AND THE EAC APPROPRIATION BILL 2023.

The East African Legislative Assembly (EALA) 4th Assembly approved the 1st Supplementary budget of USD 2,620,800 for the FY 2022/2023. on 3rd November 2022.

On 4th April 2023 the Council tabled before the 5th Assembly a request for a 2nd supplementary budget of U SD 16 ,408 ,045 for the various organs and institutions of the Community for FY 2022/2023. The objective of the Bill was to appropriate a sum of U SD 16 ,408 ,045 out of the budget of the Community to meet additional expenditure for the EAC Organs and institutions for the FY ending 30th June 2023 as indicated below.

Vote	Organ/Institution	Amount (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 of East Africa (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

- On 3rd October 2023, the Assembly considered and approved the EAC Supplementary Appropriation Bill 2023 observing that the financial year in which the Supplementary Appropriation Bill, 2023 related to expired on 30th June 2023 hence it was not legally permissible to consider this Bill whose books of accounts were closed and audit was ongoing.
- The Committee on General Purpose approved USD 16,408,045 out of which the Assembly authorized expenditure of USD 11,904,329. The Council of Ministers may come up with a new Supplementary Appropriation Bill for the balance, USD 4,503,716, to be authorized for expenditure in the current financial year 2023/2024.
- On 6th April 2023 the Council adopted the 3rd supplementary budget of U SD 771,872 for various organs and institutions and tabled it before the 5th Assembly on 26th May 2023. The objective of the Bill was to appropriate a sum of U SD 771 ,872 out of the budget of the Community to meet additional expenditure for the EAC Organs and institutions for the FY ending 30th June 2023 as indicated in the table below.

VOTE	ORGAN /INSTITUTION	AMOUNT (USD)
001	EAC Secretariat	318,221
003	East African Legislative Assembly (EALA)	322,194
006	Lake Victoria Fisheries Organization (LVFO)	131,457
	TOTAL	771,872

Note: Sources of Funding for the Supplementary Budgets presented to the 5th Assembly totaling USD 17,179,917 are as shown below.

1. EAC General Reserve Fund	-	2,414,562
2. Partner States Contributions (DRC)	-	7,996,343
3. LVFO Reserve Fund	-	104,000
4. Uganda Special Contribution	-	61,080
5. Development Partners	-	6,603,932
TOTAL	-	17,179,917

- This EAC Appropriation Bill 2023 is a Bill for the EAC total Budget for the current financial year, i.e. FY 2023/2024.

- The objective of the Bill was to appropriate a sum of USD **103 ,842 ,880** out of the budget of the Community to meet expenditure for the EAC Organs and institutions for the FY ending 30th June 2024 as indicated in the table below.

S/NO	ORGAN /INSTITUTION	BUDGET ALLOCATION (USD)
1.	EAC Secretariat	50,931,553
2.	East African Court of Justice	4,450,488
3.	East African Legislative Assembly	17,681,365
4.	Lake Victoria Basin Commission	8,471,980
5.	The Inter University Council for East Africa	12,394,945
6.	Lake Victoria Fisheries Organization	2,807,993
7.	East African Science and Technology Commission	2,016,543
8.	East African Kiswahili Commission	1,502,535
9.	East African Health Research Commission	2,193,811
10.	East African Competition Authority	1,391,667
	TOTAL	103,842,880

2 . REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE EAC
SUPPLEMENTARY APPROPRIATION (NO.1) AND (NO. 2) BILLS

In accordance with provisions of Article 49(2)(b) and 132 of the Treaty for the Establishment of the EAC, Section 4 and 7 of the EAC Budget Act, 2009 and Rule 78(1)(b) and Annex 5(f) of the Rules of Procedure of the Assembly, the report on two supplementary budget requests for the FY 2022/2023 was presented for consideration and adoption.

General Purpose Committee Observations on the two Supplementary Budgets 1.

Supplementary Budget vs Approved Budget

- a) The sum total of the three (3) supplementary budgets requested by Council in the FY 2022/2023 was USD 19,800,717. This translates to 22% of the approved budget of the EAC for the current FY i.e. USD 91,579,215. This exceeds 5% of total approved budget as provided for in the EAC Budget Act 2009.
- b) 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 FY without prior approval by the Assembly.
- c) The Committee found this to be a violation of prudent budgeting principles of the Community.
- d) A memo from the Chair GPC to the Secretary General (SG) requesting for the schedule of programmes/activities of the Community on which funds were requested for under the supplementary budgets, when and where these activities were undertaken with evidence, received no response. Reiteration of the same in subsequent meetings with Director Finance and SG bore no fruit.
- e) This failure by the SG and the Director Finance to furnish the Assembly with the above information was construed to mean that the activities under the two supplementary budgets were yet to be implemented hence the funds that were to be drawn from the EAC General Reserve for this purpose were presumed to be intact.

2 . The EAC General Reserve Fund

- a. The Committee observed that the EAC Secretariat has been and was still the biggest beneficiary of funding from the General Reserve Fund.
- b. In the two supplementary budgets, the Council earmarked a total of USD 2,414,562 to be drawn from the EAC General Reserve Fund. Out of this amount, USD 1,433,843 (59.4%) was allocated to the EAC Secretariat. The Committee considered this unfair to other EAC Organs and institutions.
- c. The Chair GPC wrote a memo to SG on 23rd May 2023 requesting for the status of the EAC General Reserve Fund with evidence. This request was reiterated in subsequent meetings with the Director Finance and SG and Council Chair to no avail. This non - response was construed to be a violation of the EAC Budget Act.
- d. The Committee thus recommended to the House to resolve that the Assembly shall not consider any subsequent budgets of the EAC until the Council of Ministers submits (with evidence) to the Assembly the status of the EAC General Reserve Fund.

3 . Underfunded/Unfunded Priorities

During consideration of the EAC Budget for FY 2022/2023, the Assembly together with Council resolved that underfunded/unfunded programmes/activities be given priority in the supplementary budget of 2022/2023. However, Council did not consider and prioritise them in the two supplementary budgets requested.

4 . Translation Equipment

- a) In the 2nd supplementary budget, Council earmarked USD 2,969,497 for procurement and installation of translation equipment in various organs and institutions.
- b) According to the SG this action was meant to operationalise Summit directive on formalizing the French language as one of the official languages of the Community. The Committee however noted that this formalization can only be regularized through amendment of the Treaty.
- c) The Committee was unable to access some of the basic documents such as quotations, and invoices from potential suppliers that the organs and institutions could have relied on to make the estimates. No rationale was found either for each organ/institution of the EAC to procure and install separate sets of

translation equipment at such a high cost at a time when the EAC was grappling with scarce resources and poor remittance from Partner States.

- d) Hence the Committee recommended to the Assembly to stay approval of all the funds earmarked for procurement and installation of translation equipment; and
- e) That the Council expeditiously initiates the process of amendment of the Treaty for the use of Kiswahili and French as additional official languages of the Community.

5 . Contribution from the DRC

- a) The DRC was expected to commence honouring her financial obligations to the Community for the FY 2022/2023 with effect from July 2022 when she became a member of EAC.
- b) According to the 2nd supplementary budget request, DRC would make a contribution of USD 7,996,345 for the FY 2022/2023. However, this has not happened. 85% of this amount was earmarked to fund programmes/activities aimed at integrating DRC to the Community 90% of which were about sensitization. However, there was no comprehensive roadmap for the integration of DRC into the EAC. But since implementation of some programmes/activities under this source of funding had commenced and some commitments already made to a tune of USD 2,478,736, the Committee recommended to the Assembly to approve the above funds from DRC contribution, and the balance from DRC to be taken to the General Reserve Fund.
- c) In addition, the Committee recommended to the Assembly to urge the Council to expeditiously prepare a comprehensive roadmap for the integration of the DRC into the Community.

6 . Inaugural Outreach of the Community by the 5th Assembly/Tour of the Community

- a) Whereas the Assembly made a request of USD 798,500 to undertake this activity,
no budgetary provision was availed to the activity in the supplementary budget.
- b) Hence the Committee recommended that the Assembly approves a rationalization/reallocation of a total of USD 798,500 from the programmes and activities in the rationalization/reallocation schedule of funds (Annex 5) under the 2nd supplementary budget for FY 2022/2023 to enable the Assembly undertake

the inaugural outreach of the Community in FY 222/2023.

7. Refusal to make Adjustments in Approved Budget

- a) The Committee received complaints from Heads of Organs/Institutions and other officers of the Community that for the last 3 years the Assembly has approved budget with rationalization/reallocation, the responsible officers from the EAC Secretariat have not been effecting the necessary adjustments in the final budget documents and in the EAC Budget Management System.
- b) The Committee viewed this as an act of indiscipline which undermines the mandate of the Assembly and was contrary to the EAC Principles of good governance and accountability.
- c) Hence the Committee recommended that the Assembly directs:
 - (i) 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; and
 - (ii) The SG to adhere to the rationalizations/reallocations in the supplementary budgets as approved by the Assembly and make immediate adjustments in the EAC Budget Management System when the Assembly approves the budget with amendments.

Recommendations

The Committee recommended that the Assembly:

- a) Approves the rationalization/reallocation of USD 962,540 from within Organs and Institutions to the EALA to implement urgent programs/activities (Annex 5 – Schedule of Rationalization/Reallocation);
- b) Approves USD 11,904,329 under the 2nd supplementary Budget request to facilitate the implementation of various programs and activities of the Community for FY 2022/2023. Whereas the Supplementary Appropriation Bill had provided for USD 16,408,045, the Assembly will amend the Bill to provide for a total of only USD 11,904,329;
- c) Approves a total of USD 771,872 under the 3rd supplementary budget request;
- d) Directs the Clerk of the Assembly to transmit to the SG within 24hrs of approval of the two supplementary budgets, a schedule of rationalization/reallocation for appropriate adjustment in the EAC Budget Management System;

- e) Directs the SG to make appropriate adjustments in the EAC Budget Management System to accommodate rationalization/reallocation as approved by the House not later than 19th June 2023; and submit and lay before the House the final signed copies of the supplementary budgets at the next sitting of the Assembly;
- f) Directs the SG to send a demand note to the DRC for a total sum of USD 7,996,343 being her contribution to the EAC for the FY 2022/2023;
- g) Adopts the Report of the GPC and approves the EAC Supplementary Appropriation Bills (No. 1 & 2) 2023 with the above amendments.

Assembly adopted the GPC Report and approved the supplementary appropriation Bills 1 and 2 of 2023 with amendments.

3 . REPO RT OF THE COMMITTEE ON GENERAL ON THE EAC BUDGET ESTIM ATES
FOR REVENUE AND EXPENDITURE FOR FY 2023/2024

- a) Budget estimates for FY 2023/2024 is U SD 103 ,842 ,880 compared to U SD 91,579,215 approved for the EAC Organs and Institutions for the FY 2022/2023.
- b) 55.6% of the total budget i.e. USD 59,836,389 would be contributed equally by Partner States while USD 44,809,870 would be sourced from Development Partners; 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.
- c) Below is the table on the proposed budget allocation.

Proposed Budget Allocation and Planned Activities for FY 2023/2024

S/NO	ORGAN/INSTITUTION	BUDGET ALLOCATION (USD)
1.	EAC Secretariat	50,931,553
2.	East African Court of Justice	4,450,488
3.	East African Legislative Assembly	17,681,365
4.	Lake Victoria Basin Commission	8,471,980
5.	The Inter University Council for East Africa	12,394,945
6.	Lake Victoria Fisheries Organization	2,807,993
7.	East African Science and Technology Commission	2,016,543
8.	East African Kiswahili Commission	1,502,535
9.	East African Health Research Commission	2,193,811
10.	East African Competition Authority	1,391,667
	TOTAL	103,842,880

A review of the planned programmes and activities under the EAC Secretariat and other institutions revealed that there was a lot of travel; duplication of activities; rent, printing

and protocol expenses. The Assembly thus approved reallocation of funds for programmes/activities.

The Committee Noted that:

- a) There was moderate budget absorption rate by organs and institutions on activities funded by Partner States in the FY 2022/2023 mainly due to delayed remittances;
- b) Despite the progress that had been made in the implementation of the EAC projects and programmes a number of challenges still persist i.e. delays in disbursement of Partner States contributions to the EAC resulting in delayed implementation of regional commitments; delay in concluding the development of a sustainable financing mechanism for the Community; and, lack of an effective mechanism for enforcing the Community's decisions and directives.

Committee's Observations and Recommendations

S/NO	OBSERVATION	RECOMMENDATION	ACTOR
1.	At the 21 st Ordinary Summit held on 21 st February 2021, Heads of State adopted Kiswahili and French as additional official languages of the EAC and directed the Council to expedite the implementation modalities of the directive. With the admission of DRC and her participation in EAC activities/programmes, the two official languages will be used alongside the English language.	Council to expedite amendment of the Treaty and approval of the relevant policies to give effect to the use of Kiswahili and French as additional official languages of the Community.	Council of Ministers
2.	There was notable persistent dependence on donor-funding	Council of Ministers to expedite the finalization of a sustainable	Council of

S/NO	OBSERVATION	RECOMMENDATION	ACTOR
	which undermines the sustainability of the EAC integration.	financing mechanism for the Community.	Ministers
3.	Partner States that have failed to meet their financial obligations to the Community have never been sanctioned as per relevant Treaty provisions. Partner States' contributions to the EAC are persistently declining.	Council of Ministers to expedite the finalization of a schedule of sanctions against Partner States that fail to honor their obligations to the Community.	Council of Ministers
4.	The EASTECO has a governing Board of 49 members with 7 representatives from each Partner State as provided for by the Protocol. This is a big liability to the Community and presents a challenge during decision making. A raft of amendments to the Protocol has been proposed but with no clear timeframe within which these amendments will be finalized and effected.	Council of Ministers to expedite amendment of the Protocol for the establishment of EASTECO by June 2024 to provide for, among others, a lean Board.	Council of Ministers
5.	It was observed that most programmes and activities under Peace and Security Department were donor funded. At the same time, Productive and Social Sectors were found to be perpetually under-funded.	Council of Ministers to ensure adequate allocation of funds from Partner States contributions to these sectors.	Council of Ministers
6.	It was noted that there was considerable reduction in the	Council of Ministers to provide additional funding to the Office of	Council of

S/NO	OBSERVATION	RECOMMENDATION	ACTOR
	funds allocated to the Office of the Speaker of the Assembly in the discharge of his duties.	the Speaker in a Supplementary Budget in the FY 2023/2024 to enhance the functionality, the visibility and effectiveness of the Assembly.	Ministers
7.	It was noted that there had been a reduction in the number of Plenary Sessions, and the Budget Estimates had thus provided for four plenary sessions of 14 days each, making it a total of 56 days, contrary to Rule 10(6) of the Rules of Procedure which provides that the Assembly shall have not less than 80 sittings in a given Financial Year.	Council to provide an additional USD 1,642,300 in a supplementary budget for FY 2023/2024 to enable the Assembly hold 80 Plenary sittings as per the provisions of Rule 10(6) of the Procedure of the Assembly.	Council of Ministers
8.	The budget allocated to Annual EAC/EALA Inter-parliamentary Games was for 9 days instead of 12 days as resolved in the Speakers Bureau. Article 49(2) and 65 of the Treaty enjoins the Assembly to establish functional relations with national Parliaments of EAC Partner States.	Council of Ministers to provide a sum of USD 216,000 through a supplementary budget in FY 2023/2024 for three additional days for the Inter-Parliamentary Games.	Council of Ministers
9.	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 line with this Treaty	Council of Ministers to provide a sum of USD 630,000 in a supplementary budget for the FY 2023/2024 to enable the Assembly carry out sensitization in Partner States.	Council of Ministers

S/NO	OBSERVATION	RECOMMENDATION	ACTOR
	provision EALA has always undertaken two major public outreach and sensitization activities every financial year. However, the activity was omitted from the budget for FY 2023/2024, constituting a funding gap of USD 630,000.		
10.	In line with Articles 49(2)(a) and 65 of the Treaty, the Assembly has devised the Annual Nanyuki Series to give them an opportunity to interact with national Parliaments to deepen the EAC integration agenda. Hence need for a budget of USD 291,000 to undertake this four-day activity.	Council of Ministers to provide a sum of USD 291,000 in a supplementary budget for the FY 2023/2024 to enable the Assembly convene the Annual EAC/EALA Inter-Parliamentary Relations Seminar (Nanyuki Series).	Council of Ministers
11.	Aides to Members of EALA with disabilities: It was noted that Council had not accorded same treatment to some members of the 4 th and 5 th Assembly.	The Council to: -Approve the retrospective appointment of Aides for the late Hon. Mathias Kasamba, Hon. Alex Bahati and Hon. Ole David Sankok; -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.	Council of Ministers

NOTE:

- a) The Assembly made reallocation and readjustments in the budget submitted to it by the Council of Ministers and approved the budget with amendments, a move that was objected to by the DRC and United Republic of Tanzania hence the budget Bills shared by EALA could not be assented to by Partner States. The Republic of Rwanda also alleged duplication in the budget which needed to be cleaned.
- b) In accordance to Article 63 of EAC Treaty and Rule 73 of EALA Rules of Procedure, the Chair Council tabled the following before the Assembly for reconsideration;
- i. The EAC Supplementary Appropriation Bill, 2023;
 - ii. The EAC Appropriation Bill, 2023;
 - iii. The letter from the DRC with budget concerns;
 - iv. Two letters from URT with concerns for consideration by the Assembly; and
 - v. The request from Council of Ministers for the Assembly to finalize approval of EAC Supplementary Appropriation Bill No.1 and EAC Appropriation Bill, 2023 and resubmit the same to the Partner States for assent.
- c) Subsequently the Assembly referred the Bills to the General Purpose Committee (GPC) for reconsideration. The GPC held a meeting with the Council of Minister to reconsider the EAC Appropriation Bill, 2023 and the EAC Supplementary Appropriation Bill, 2023, and communication from DRC and Tanzania objecting to variations in ceilings of the budget of the Organs and institutions of the Community.
- The Bills were reconsidered and eventually reverted to the earlier budget submission by Council to EALA. This was done in the spirit of Article 49(2) (b) of the Treaty which provides that the Assembly “**shall debate and approve the budget of the Community**” while Article 14 (3) (e) provides that the Council “**shall consider the budget of the Community**” . The Assembly is therefore not expected to make reallocations and adjustments to the proposed budget.
 - The 51st Extra ordinary Council of Ministers held their sitting on 13th September 2023 and considered the budget matters. The Council proposed a one-off approval of two-day sitting for the Committee on General Purpose to facilitate additional two days for EALA to reconsider and adopt the budget as approved by the Council to facilitate implementation of programmes in the current Financial Year.
 - EALA is yet to re-submit the approved budget Bills to Partner States for Assent.

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

The Committee conducted interactive meetings with the Heads of eight EAC Institutions, for purposes of assessing the implementation of the Treaty, Protocols, Conventions, Agreements, Laws and Regulations, governing the operations of the EAC institutions. The Committee met the following eight institutions:

- a) The East African Kiswahili Commission (EAKC)
- b) The Civil Aviation Safety and Security Oversight Authority (CASSOA)
- c) East African Competition Authority (EACA)
- d) Inter University Council of East Africa (IUCEA)
- e) East African Science and Technology Commission (EASTECO)
- f) East African Health Research Commission (EAHRC)
- g) Lake Victoria Basin Commission (LVBC)
- h) Lake Victoria Fisheries Organization (LVFO)

The Committee did not meet the East African Development Bank (EADB).

During the above meeting, the Heads of the EAC Institutions were required to provide the following information:

- i. Establishment of the institution
- ii. The Legal instruments governing the institution
- iii. Key Stake holders and how they work with them
- iv. How the protocols and laws governing the institution are implemented by the 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 action taken by the institution
- vii. Matters relating to the Status, privileges and immunities of the institution and staff working with the institution

REMARK : To take note that inadequate funding to implement activities together with staffing needs are cross-cutting challenges affecting all the Institutions. Further, to specifically note the

following interventions/challenges expressed by the Institutions

- a) The East African Kiswahili Commission (EAKC). Fast-tracking of amendment of the Treaty to provide for Kiswahili as one of the Official languages of the EAC. This is already being undertaken where the necessary Treaty amendments are before the Sectoral Council for Legal and Judicial Affairs, for consideration.
- b) The Civil Aviation Safety and Security Oversight Authority (CASSOA). The Protocol on Privileges and Immunities is yet to be implemented although it is fully ratified. The High taxes charged by the EAC Partner States have been identified as one of the major causes of high cost.
- c) East African Competition Authority (EACA). The need to sensitize leaders and the general public about the activities and the importance of having Competition regulatory authority within their Partner States,
- d) Inter University Council of East Africa (IUCEA). Delay in the amendment of the Law and protocol governing the IUCEA.
- e) East African Science and Technology Commission (EASTECO). The delay in amendment of the Protocol governing EASTECO, which is affecting the functioning of the Commission.
- f) East African Health Research Commission (EAHRC), Delay in amendment of the EAHRC Protocol to address the size (from the current 45 to a reasonable number) and membership of Governing Board and to separate the functions of the Commission from the functions of the Governing Board
- g) Lake Victoria Basin Commission (LVBC). The need to amend the Headquarters Agreement for purposes of according Kenyan nationals working with LVBC similar privileges and immunities with other Partner State nationals working in institutions hosted by their respective State. Slow implementation of the East African Lake Victoria Act as Partner States are using national laws instead of the Regional Law.
- h) Lake Victoria Fisheries Organization (LVFO). Delay in amending the legal instruments to extend the mandate, and scope of the LVFO to be an East African Fisheries Organization. Partner States are requested to regulate trade in fish in order to protect the fish resource in the region.

5 . REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENTS ON
THE OVERSIGHT ACTIVITY ON CIVIL AVIATION, SAFETY AND SECURITY
OVERSIGHT AGENCY

The Committee made the following observations and recommendations:

- a) **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 installment within the first three months of the financial and the second by January of the same financial year. The Committee recommended that the Assembly should urge the Council of Ministers to ensure that the Partner States meet their financial obligations to CASSOA to enable the Agency implement its planned activities.
- b) **Failure to harmonize 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 recommended that the Assembly should urge the Council of Ministers to expedite the harmonization of air transport policies as per their commitment under the Treaty.
- c) **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 recommended that the Assembly should urge the Council of Ministers to urge the Republic 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.

- d) **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 recommended that the Assembly should urge the Council of Ministers to urge the Partner State to finalize national consultations on having a harmonized air tax/fee regime.
- e) **Center for Aviation Medicine (C AM):** 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 that the Assembly should 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.
- f) The Host Agreement of the Centre for Aviation Medicine was concluded and signed between the Ministry of Foreign and Diaspora Affairs and the EAC on 6th April, 2023. The Centre is now operational and the Government of Kenya has provided all the necessary facilitation to operationalise the Centre.

6 . REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON
CONSIDERATION OF THE PROPOSAL TO AMEND RULE 80 (6) OF THE R U LES OF
PROCEDURE OF THE EALA

ISSU E: EALA Commission referred to the Committee the decision to amend Rule 80 (6) of the Rules and Procedures of the Assembly. Rule 80 (6) provides that "The membership of each Committee shall be fifteen and the quorum shall be at least half of the Members"

The current practice/tradition of the Assembly is that each Standing Committee is constituted by three members from each Partner State. However, with the expansion of the membership of the EAC, from five in 2015 when the Rules were adopted to the current eight in 2024, there is need for an amendment of the above Rule to cater for the consequential increase of membership of the Assembly.

SOLUTION : To address the above challenge the Committee proposed increasing the number provided under Rule 80 (6) from fifteen to twenty one. To effect the aforesaid, the Committee recommended to the Assembly that the Rule be amended to state "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"

REMARK: *Take note that:*

- a) the above is an administrative intervention to ensure all Partner States are represented in each Standing Committee and that as the EAC membership continues to expand, subsequent amendment of the Rule will now not be required as the Rule will have anticipated and addressed such expansion.
- b) The financial implication of increasing the membership. This will require an increase in the budget for seating allowances of Committee members.

7 . . R E P O R T O F T H E C O M M I T T E E O N A C C O U N T S O N T H E O V E R S I G H T A C T I V I T Y T O
A S S E S S T H E P R O G R A M M E S A N D P E R F O R M A N C E S O F T H E E A S T A F R I C A
H E A L T H R E S E A R C H C O M M I S S I O N

The East African Health Research Commission (EAHRC) was established by the 5th Extra Ordinary Summit of the East African Heads of State on 18th June 2007 as an institution of the EAC. It is located in the Republic of Burundi. The overall objective of the EAHRC is to promote, facilitate, and coordinate the conduct and application of health and for the well being of the people of East Africa.

- a) **B u d g e t.** The EAHRC has challenges of funding and this has impacted negatively on the execution of its programmes and Projects. It depends mainly on funding from development partners. For optimal performance of EAHRC in the implementation of its activities, it is imperative for the Council of Ministers to set adequate budget for funding of the EAHRC programmes and Projects.
- b) **E a s t A f r i c a H e a l t h S c i e n t i f i c C o n f e r e n c e.** So far eight (8) East Africa Health Scientific Conferences have been held successfully and biennially (after two years) on rotational basis. The 8th EAHSC was held in the Republic of Kenya in November, 2021. The 9th EAHRC was held in the Republic of Rwanda from 27th to 29th September, 2023.
- c) **U n d e r s t a f f i n g.** East Africa Health Research Commission is grossly understaffed, this should be a priority for Council of Ministers to address to enable the Commission to deliver on its mandate. There is need to urgently recruit Executive Secretary.
- d) **S t r a t e g i c P l a n 2 0 2 1 - 2 0 2 6.** The Strategic Plan 2021-2026 has been developed and validated. It will be presented to the 24th Sectoral Council on Health for consideration and adoption. However, it should be noted that the Commission has continued to get approvals to enable it meet its obligations.
- e) **C o n s t r u c t i o n o f t h e E a s t A f r i c a H e a l t h R e s e a r c h C o m m i s s i o n H e a d q u a r t e r s.** Evaluation of technical proposals and opening of financial proposals have been done to allow the Research Commission to procure consultancy services for designs and construction supervision of the proposed permanent East Africa Health Research Commission Headquarters in Bujumbura, Burundi. Evaluation was done, contractor procured, now at the finalization of the contract.

- f) **The East African Community Sexual and Reproductive Health Bill, 2021.** This bill should be reinstated as business of the 5th Assembly and finalized.
- g) **Mandate of the EAC Health Department vis a vis that of the EAC health department.** The EAC Health Department is an arm of the EAC Secretariat charged with the EAC coordination of the following regional health projects and programmes.
- i. generation of regional health policies,
 - ii. coordinating regional programmes and initiatives in health in collaboration with the EAC Health Department which is focusing more on research development and health evidence generation

As such, the EAC Health Department is coordinating the work of the following 6 regional TWGs:

1. TWG on Health Systems and Policies (Brings together the directors of planning, head of national health professional boards, directors of the EAC Regional Centres of Excellence on Health)...
2. Regulation of Health Professions
3. TWG on Communicable and Non-Communicable diseases (Brings together the heads of surveillance and disease control, Malaria Programme Managers, experts of human and animal and environment health and the National Non-Communicable disease Programmes)
4. TWG on HIV-AIDS (Brings together heads of HIV-AIDS programs and National AIDS control councils)
5. TWG on Reproductive, Maternal and Child Health and Nutrition (Brings together the heads of Reproductive, Maternal and Child Health and Nutrition programmes)
6. TWG on Medicines and Food Safety (Have established and Coordinate the Medicines and Food Safety Authorities)

The EAC Health Research Commission is coordinating mainly the institutions of research from the EAC Partner States. It brings together the Health Research Commissioners from the Partner States especially from the National Institutes of Public Health. The health research publications in the region are normally collected and reviewed by a regional team of reviewers under the coordination of the EAC Health Department and published in the EAC Health Scientific Conference and then uploaded/published in the EAC

Health Research Journal. As such there is no overlap between the 2 entities. There are only complementarities.

The EAC Health Department has developed a draft protocol which shall give more clarity in terms of mandate of the Health Department and the Health Research Commission which is a semi-autonomous institutions dealing with health research.

The 19th Sectoral Council of ministers of health directed the EAC Secretary General to convene a meeting of the senior health experts from the Partner States to re-align the roles, functions and mandate of the East African Health Research Commission and the EAC Health Department and submit a report for consideration by the 20th Sectoral Council of Ministers of Health.

Further, the 23rd Sectoral Council of Ministers of Health directed: the EAC Secretariat to constitute a team of Experts from Partner States to undertake an assessment with the aim to redesign the EAHRC, considering the mandate, scope of work, objectives, structure and challenges and review the status of implementation of previously approved works and present the report to the Extraordinary Meeting of Sectoral Council of Ministers responsible for Health by September 2023/

8 . R E P O R T O F T H E C O M M I T T E E O N R E G I O N A L A F F A I R S A N D C O N F L I C T
R E S O L U T I O N O N T H E O V E R S I G H T A C T I V I T Y T O A S S E S S T H E P R O G R E S S M A D E I N
T H E D E V E L O P M E N T O F T H E E A C R E F U G E E M A N A G E M E N T P O L I C Y

- The Committee on Regional Affairs and Conflict Resolution (RACR) undertook an oversight activity in Nairobi from 14th - 17th March 2023 to assess progress made in development of the draft EAC Refugee Management Policy.
- The Committee sought to understand the draft EAC Refugee Management Policy, consultation process, Key findings, and challenges faced in development of the policy as well as the roadmap to the draft policy.
- The mandate to develop a common mechanism for the management of refugees was derived from Article 124 of the EAC Treaty and Article 10 of the EAC Protocol on Peace and Security.
- The process of development of the policy started with a directive of the EAC Chiefs of Refugee Management entities to its technical working group to work with EAC Secretariat towards developing a common policy on refugee management.
- The EAC Secretariat, with support from UNHCR, procured services of two consultants in 2019 to develop the policy.
- 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.
- In June 2022 the Chiefs of Refugee Management entities approved the draft Policy and recommended for its consideration by the Sectoral Council on Interstate Security and subsequent adoption by Council of Ministers.
- EAC Refugee Management Policy focused on the following key areas namely:
 - a. Access to territory and asylum procedures by asylum seekers.
 - b. Fair and efficient refugee status determination procedures.
 - c. Enhancing border management systems, security and procedures.
 - d. Reception, registration, documentation and national databases.
 - e. Inclusion of refugees in the national and regional development plans.

- f. Coordination platforms with UNHCR and other development partners for refugee management, early warning and contingency planning.
 - g. Protection of rights to refugees such as freedom of movement, rights to access education, employment, health, etc.
 - h. Durable solutions for refugees, i.e. integration of refugee management in the plans of host communities.
 - i. Environmental management and protection.
 - j. The role of host communities, local authorities, national NGOs in refugee management.
 - k. Integration of refugee management in the national development plans and budgets of the host countries.
 - l. Integrate the host community needs in the refugee response framework.
 - m. Maintaining the civilian character of asylum.
 - n. Maintaining the humanitarian character of asylum.
 - o. Capacity building of national NGOs and integration of local context in the management of refugees.
 - p. Joint capacity development/strengthening of government institutions and other development partners.
 - q. Regional resource mobilization strategies.
- **The Committee Observed that:**
 - i. The process of drafting the policy was more consultative and therefore similar consultations need to be carried out in DRC and Republic of Somalia who are the latest entrants into the Community for their views to be included in the policy;
 - ii. There was a delay in developing this policy yet new trends are emerging and may not have been included in the analysis;
 - iii. There were shortcomings in the national laws to inform a regional refugee management policy in terms of harmonization of the policies.
 - The Committee identified a number of challenges in developing the policy, including:

- a. Individual Partner States straining in terms of resources associated with hosting refugees
- b. Partner States policies and legislation on refugees do not comprehensively cover some key aspects of refugee management in the region
- c. Lack of uniformity in implementation of international of international instruments on refugees across the region
- d. Climate change and its impact on refugees and host communities.

Status of Development of the Policy

- i. The draft Policy was tabled before the Sectoral Council on Interstate Security in November 2023 in Nairobi.
- ii. The draft Policy is at the stage of national consultations in new Partner States of Democratic Republic of Congo (DRC) and the Federal Republic of Somalia.
- iii. In Kenya refugee affairs are governed by the Refugee Act of 2021. The country is in the process of integrating refugees into the society and also developing new regulations to operationalise the new Act. Kenya, as a Partner State in EAC has affirmed the Global Compact on Refugees (GCR).
- iv. The Policy is necessary to facilitate harmonization of national refugee policies, strategies and programs.
- v. The Policy would be one of the ways to actualize provisions of Article 124 of the Treaty establishing the EAC, Article 7 of the EAC Common Market Protocol and Article 10 of the EAC Protocol on Peace and Security.

9 . A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL OF MINISTERS AND THE PARTNER STATES TO ENHANCE THE EFFECTIVE PARTICIPATION OF WOMEN AND YOUTH IN BUSINESS AND TO EQUIP THEM TAKE ADVANTAGE OF THE OPPORTUNITIES UNDER THE AfCFTA

- a) The African Continental Free Trade Area (AfCFTA) is a flagship project of the AU Agenda 2063, which is a strategic framework for the socio-economic transformation of the continent in the next 45 years. The main objectives of the AfCFTA are to create a single continental market for goods and services, with free movement of business persons and investments, and thus pave the way for accelerating the establishment of a continental customs union.
- b) The implementation of the AfCFTA agreement is guided by the protocols, among them, the Protocol on Women and Youth in Trade. The Protocol has undergone extensive discussions and was adopted by the Council of Ministers during their 12th meeting held in December 2023 in Dar es Salaam. The protocol was adopted by AU Assembly in February 2024.

The Protocol on Women and Youth in Trade provides the following opportunities.

- a) **Capacity building and technical assistance:** The Protocol through targeted programmes designed to improve the knowledge of women on intellectual property rights, standards, and other non-tariff measures but also to improve their capacity to comply. This is also done while taking into consideration the capacity needs of women in the rural areas so as to ensure they benefit from AfCFTA. This will improve their competitiveness in the market.
- b) **Access to Finance:** the protocol requires that state parties implement measures that facilitate access to affordable financial instruments, services and guarantees adapted to trading activities by Women and Youth in Trade to enable them import and export as well as protect them from trade related risks. This initiative enhances access to financial services and support, giving room for Women and Youth to start and grow their businesses. As a result, more new jobs and economic opportunities will be created.
- c) **Harmonisation of National, Regional and Continental Programmes that support Women and Youth in Trade.** This can lead to more inclusive policies and practices that

address the specific needs, empowering them to participate in decision-making processes.

- d) **Development of Productive and Export Capacity:** The State parties are required to develop and strengthen special Programmes for Women and Youth in Trade to enhance their productive capacity and foster their integration into regional and continental value chains as well as promote their participation in national, regional continental trade fairs, business fora, conferences, and any other platforms. This will enhance use of advanced technologies in production of quality goods, hence increasing the visibility of their products and services, thus increasing their income.
- e) **Participation in Formal Trade Activities by Women and Youth in Trade:** state parties to take measures that promote the participation of Women and Youth in Trade in formal cross border trade and enforce trade facilitation instruments and other related international instruments to support Women and Youth in small scale cross border trade. This creates networking amongst traders from different countries, the AfCFTA encourages networking and collaboration, strengthening partnerships, mentorships, and sharing of knowledge.
- f) **Women and Youth-owned or led Micro, Small and Medium sized Enterprises:** the protocol requires that state parties take appropriate measures to facilitate and support business associations and business clusters in order to facilitate their participation in trade within the framework of the AfCFTA. Women and youth being the main participants in MSMEs which is the engine of Africa countries' economies, the removal of trade barriers within the continental borders offers the access to a larger market.
- g) **Protection against Harassment and Related Practices:** the state parties to implement and monitor mechanisms to prevent, discourage, address, and eliminate all forms of harassment and related practices that compromise the security and safety of Women and Youth in Trade.
- h) **Access to trade information:** The AfCFTA Agreement, its Protocols and Annexes tailored to the targeted group of women in trade and made to be available in an understandable language. Further, ensure the enquiry points are responsive to the trade related information needs of women and youth.

10 . A RESOLUTION OF THE ASSEMBLY TO REINSTATE THE PENDING BILLS OF THE
4TH ASSEMBLY INTO THE 5TH ASSEMBLY

The 4th Assembly had considered a number of Bills but was unable to enact the same at the time of its dissolution on 17th December 2022. It is noteworthy that, unless such pending Bills are re-instated by the successor Assembly (5th), they are deemed to have lapsed with the 4th Assembly.

Solution: The EALA Commission received a report of the pending Bills and resolved that the Bills be re-instated in the 5th Assembly and that their status as at the expiry of the term of the 4th Assembly be preserved.

The Assembly reinstated the ten Pending Bills as recommended by the EALA Commission but resolved that each of the Bills be **treated as a fresh reference**. The import of this resolution is that all the re-instated Bills would be considered a fresh by the 5th Assembly.

Remark: *Take note that the following pending Bills were reinstated and are being considered afresh by the 5th Assembly:*

- a) The East African Community Livestock Bill, 2021
- b) The East African Community Whistle Blowers Bill, 2016
- c) The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2016
- d) The East African Community Trade Negotiations (Repeal) Bill, 2014
- e) The East African Youth Council Bill, 2017
- f) The East African Community Cross Border Trade in Professional Services Bill, 2017
- g) The East African Community Pharmaceuticals Bill, 2019
- h) The Community Emblems (Amendment) Bill, 2021
- i) The East African Community Sexual and Reproductive Health Bill, 2021
- j) The East African Community Cultural Heritage, Bill 2022

11 . A RESOLUTION OF THE ASSEMBLY RECOMMENDING TO THE COUNCIL OF MINISTERS AND PARTNER STATES TO USE LOCAL CURRENCIES IN ALL TRANSACTIONS IN THE EAC REGION TO BOOST TRADE

- a) The Assembly, among others, debated on a Resolution of the Assembly recommending to the Council of Ministers and Partner States to use Local Currencies in all transactions in the East African Community region to boost trade. This was moved under Article 49(2) (d) and 59(1) of the Treaty and Rule 26 of the Rules of Procedure of the Assembly.
- b) Article 49 of the Treaty provides for the functions of the East African Legislative Assembly (EALA). Among others, it provides 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." Article 49(2) (d).
- c) Article 59 of the Treaty is on Bills and Motions in the Assembly. It provides under Section 59(1) that, "subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly."

Use Local Currencies in all transactions in the EAC

Cross border trade in the East Africa Community has continued to be facilitated by various payment channels, including the traditional correspondent banking, the emerging Peer-to-Peer (P2P) remittances through both mobile money and money transfer services and through the East African Payment System (EAPS). The EAPS is a cross border payment and settlement system which is implemented by interlinking the Real Time Gross Settlement (RTGS) Systems of the East African Community Partner States Central Banks in 2013, with the objective of facilitating cross-border funds transfer to enhance cross-border trade in the region. The RTGS allows for the instantaneous transfer of money and/or securities. Once completed, real-time gross settlement payments are final and irrevocable.

East African Payment System (EAPS)

- a) The EAC EAPS system uses the local currencies of the participating EAC Partner States. Currently, the Kenya Shilling, Rwandan Franc, Tanzanian Shilling and Uganda Shilling are the active currencies used in the system. The currencies of the other remaining EAC Partner States (Burundi, DRC, Somalia, and South Sudan) will be included as settlement currencies for EAPS as soon as the respective Partner States join EAPS.

Value of transactions and Choice of Settlement Currency

- b) However, it should be noted that real-time gross settlement is generally employed for large-value interbank funds transfers. A significant volume of cross trade in the EAC may involve low value transactions to be channeled through the RTGS. In addition, trade in the Community is pursued under free trade guided by the provisions of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"). This suggests that businesses in the region may prefer to settle their transactions in hard currencies such the US Dollar that have the added advantage of minimal fluctuation in value and therefore less volatile and more stability than the local currencies.

12 . A RESOLUTION OF THE ASSEMBLY TO SUPPORT THE EAST AFRICAN PAMOJA BID TO HOST THE 2027 AFRICA CUP OF NATIONS IN EAST AFRICA COMMUNITY REGION

The co-hosting of world major sporting events is not without precedent as it can be recalled that the 2002 FIFA World Cup was held in Korea and Japan. Therefore, the PAMOJA bid by the 3 EAC founding Partner States of Kenya, Uganda and Tanzania is laudable. The 3 Partner States will not only provide the required playing grounds, but with a combined population of about 150 million, will assure the African continent of a fan base necessary for the excitement of the football bonanza. The accruing economic benefits cannot be gainsaid, which include sports tourism, hospitality industry, leisure travels among others. The 3 Partner States were given the right to bid pending verification/ inspection by CAF after which they will be given the right to host. Each of the 3 Partner States is expected to identify 2 stadia and 9 training venues.

13 . A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL OF MINISTERS AND THE PARTNER STATES TO FAST TRACK THE IMPLEMENTATION OF THE 2014 MALABO DECLARATION ON ACCELERATED AGRICULTURE GROWTH AND TRANSFORMATION FOR SHARED PROSPERITY AND IMPROVED LIVELIHOODS

The Malabo Declaration is a commitment made by African Union member states in 2014 during the AU Heads of State and Government Summit held in Malabo, Equatorial Guinea. The declaration is aimed at accelerating agricultural growth and transformation in Africa to improve food security, reduce poverty, and achieve sustainable development on the continent.

Key objectives of the Malabo Declaration include increasing public and private investment in agriculture, ending hunger by 2025, improving agricultural productivity through the adoption of modern technologies, increasing intra-African trade in agricultural commodities and services, and enhancing resilience to climate change and other external shocks in the agricultural sector.

The Malabo Declaration serves as a roadmap for African countries to prioritize and advance agricultural development as a critical component of overall economic growth and development on the continent.

The Malabo Declaration has seven commitments, designed to gauge Africa's agriculture transformation for the period 2015-2025, and a vehicle towards the achievement of the objective of the 1st ten-year Implementation Plan of Africa's Agenda 2063. The goals of Malabo include reducing levels of poverty, ending hunger on the continent and tripling intra-African trade in agricultural goods, among others by 2025.

The Comprehensive Africa Agricultural Development Programme (CAADP), is the policy framework for actualizing this goal.

EAC has embraced and domesticated the CAADP agenda and is committed to the June 2014, African Heads of State Malabo Declaration on Agriculture Growth and Transformation in Africa.

Key achievements under the CAADP programme include the following;

- a) Adoption and signing of the EAC CAADP Compact by the Sectoral Council on Agriculture and Food Security in 2017. The EAC CAADP Compact was developed with the objective of catalyzing and facilitating the coordination of regional and crosscutting programmes of regional nature. It is a high-level commitment and agreement that defines EAC agricultural transformation priorities and focuses on facilitating coordination of regional programs that complement agricultural programs at the national level contained in the national CAADP compacts and national agriculture investment plans (NAIPs).
- b) In an effort to operationalize the CAADP Compact, the EAC Regional Agriculture Investment Plan (RAIP) was adopted as a regional coordination and harmonization framework whose purpose is to complement and accelerate achievement of CAADP goals at the national levels. It also serves as a central instrument to rally financial, institutional and technical support required to drive agricultural transformation.
- c) EAC Partner States developed Malabo compliant National Agriculture Investment Plans (NAIPs) that are aligned to the EAC RAIP. NAIPs are the main vehicles for implementation and actualization of Malabo Declaration commitments.
- d) Establishment of High Level Forum to track the status of attainment of CAADP goals among the EAC Partner states;

A Biennial Agricultural Review takes place every two years and is a critical component of the CAADP process. It involves tracking, monitoring and reporting on implementation progress in achieving commitments under the CAADP/Malabo Declaration.

The 3rd Biennial Report was finalized in 2021 and submitted to the AU General Assembly in February 2022. The performance of Partner States was reported to the 15th SCAFS.

The reporting is at Country level and each country is assessed based on its fulfilments of the commitments to the Malabo Declaration and the ranked on that basis. Within the EAC, Kenya was ranked second after Rwanda.

However, the attainment of the 10% budgetary allocation is a gradual process and Partner States are progressively moving towards this target albeit at different pace depending on individual States competing needs.

14 . A RESOLUTION OF THE ASSEMBLY CONDEMNING THE ATTACK BY THE ALLIED DEMOCRATIC FORCES (AD F) ON LHUBIRIR A SECONDARY SCHOOL, KASESE DISTRICT IN THE REPUBLIC OF UGANDA AND THE TOWN KASINDIIN NORTH KMU

- a) Suspected Allied Democratic Forces (ADF) attacked church goers in the town of Kasindi in North Kivu on 15th January 2023. Over 17 people were killed and 36 people wounded.
- b) ADF is also suspected to have attacked Lhubirira Secondary school in Kasese District on 16th June 2023 killing 42 people, 37 being school children.
- c) ADF has caused a lot of havoc in the Eastern Democratic Republic of Congo (DRC) and South Western Uganda displacing over 800,000 civilian population and disrupting economic activities.
- d) The group is an Islamist rebel group originating in Uganda and operating in the South Western part of Uganda and the Eastern part of the DRC.

Status of Security in Eastern DRC

- a) Persistent insecurity in eastern DRC, home to over a 100 rebel groups, makes for a complex geopolitical landscape.
- b) The struggle for control over the region's rich natural resources and the involvement of armed militias as proxies by external players has resulted in millions of deaths and displacements. The extraction of these resources has prompted significant investment by foreign- owned companies in machinery, personnel, road connections, and transport equipment to optimize their operations.
- c) Consequently, there is a growing demand for adequate security to protect these processes, including the safe transportation of valuable raw materials, amidst hostility from local militias and regional players. As a result, some companies resort to hiring global private security firms like the controversial Wagner Group or even engaging dissatisfied military or local militia groups.
- d) Through the Nairobi Process on restoration of peace and security in Eastern DRC, The EAC Heads of State in June 2022, called on all Armed Groups to lay down their arms voluntarily and pursue their interests through the avenues provided under the EAC-led Nairobi process.

- e) The Heads of State deployed an East African Regional Force (EACRF) to work with the military and administrative forces of the DRC to stabilize and secure the peace an in the DRC. Pursuant to this decision Kenyan troops were deployed to the Joint Operation Area from November 2022, with Burundi, Uganda and South Sudan following suit in March and April, 2023.
- f) The EAC regional force was conceived as a new initiative to bring peace and stability through military intervention in eastern DRC. Kenya took the lead, being perceived as a neutral actor, distinguishing itself from the DRC's other neighboring countries who had played a role in DRC's conflicts
- g) The mandate of the EACRF expired on 8th December 2023. Hence the EACRF exited DRC beginning 3rd December 2023.
- h) The situation continues to be characterized by clashes among the various Armed Groups (AGs), targeted killings, abductions and assassinations of key local leaders.
- i) Uganda has embarked on new road construction projects in eastern DRC, which are closely linked to the security and defense agreement between the two countries.


The Republic of Kenya should continue playing a leading role aimed at achieving a comprehensive political resolution, including dialogue and justice in order to bring lasting results in DRC.

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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

 THE NATIONAL ASSEMBLY	
DATE: 03 AUG 2023	Laid on Table on 15/6/23 Thursday
TABLED BY:	Hon. Naomi Wago, MP Deputy Majority Whip
CLERK-AT THE TABLE:	Anne Shubuko

~~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.

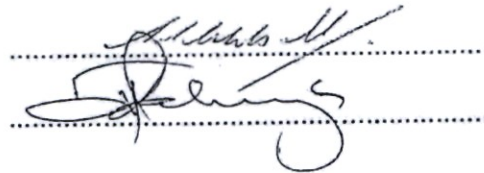
The Committee recommends to the Assembly to urge the Council of Ministers to urge the Republic of Kenya to expedite the approval of the host Agreement to enable full operationalisation of the Centre for Aviation Medicine.

9.0 CONCLUSION

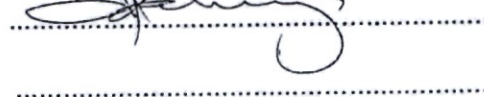
The Committee commends CASSOA for the progress made in executing its mandate of assisting Partner States in undertaking their safety and security obligations in the civil aviation industry, challenges notwithstanding. However, unless immediate and concrete steps are undertaken by the EAC Partner States 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



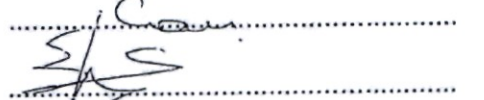
2. Hon. Kakooza James



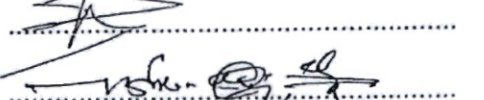
3. Hon. Karerwa Mo-mamo



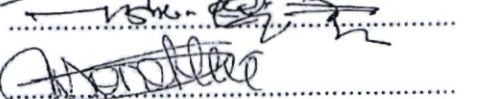
4. Hon. kezimana Cathy



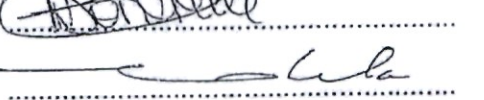
5. Hon. Ntisezerana Gabriel



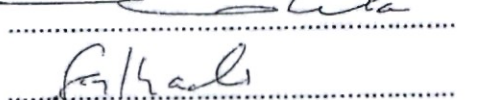
6. Hon. Ewanga is'ewanga Iwoka JB



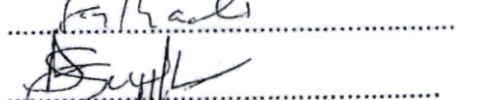
7. Hon. Masirika Nganiza Dorothée



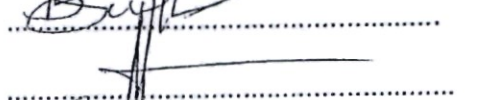
8. Hon. Mundela Mbombo Joseph



9. Hon. Iman Falhada Dekow



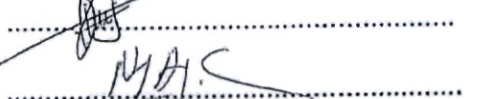
10. Hon. Sankok David Ole



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



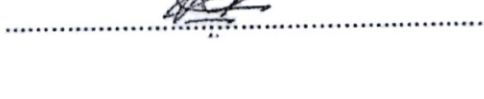
17. Hon. kizigha Angela Charles



18. Hon. Millya James Kinyasi



19. Hon. Nadra Juma Mohamed



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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Etats 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. BAGAI (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		
<p>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.</p> <p>RSOOs are sufficiently staffed with appropriately qualified personnel.</p> <p>RSOO Member States and RSOO key staff remain in place, thus ensuring the sustainability of capacity building activities.</p>		

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.
- BAGAlA 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 BAGAIJA), 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): Outcome(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	RSOOs are reinforced	1.1.1 Number of functional RSOOs staffed with appropriate technical personnel	1.1.1 Number of RSOOs established at baseline date	1.1.1 Five RSOOs with organigrams 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 RSOOs reports.	Key staff from RSOOs 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	<i>To be determined by project manager during the inception phase</i>	<i>To be determined by project manager during the inception phase</i>		
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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

08 AUG 2023

Thursday
Hon. Naomi Waage, MP
Deputy Majority Whip
Anne Shubuka

**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


PAPER LATED

Paper laid on the Table
of the House by the
Chair, RAC (Dr.
Simeon Bwalya) or
20 June 2023
Mutega SCLA
20/6/2023

**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)

 THE NATIONAL ASSEMBLY	
DATE: 03 AUG 2023	
Thursday	
TABLED BY:	Hon. Naomi Wago, MP Deputy Majority Whip
CLERK-AT-THE-TABLE:	Anne Shubiko

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 Partner 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. Mugyenyi 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 Partner 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 Partner 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.

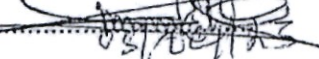

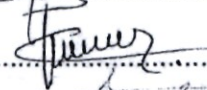
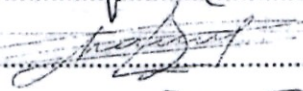
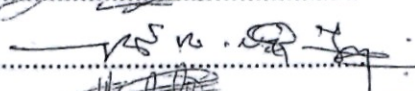
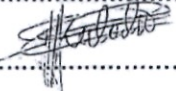
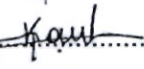

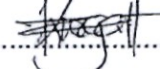
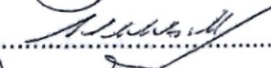
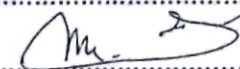
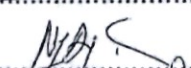
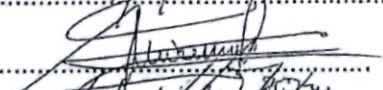
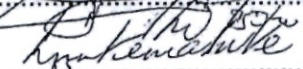
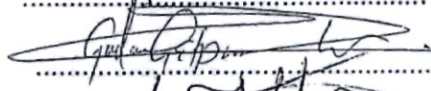
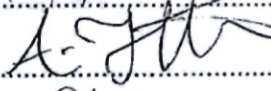
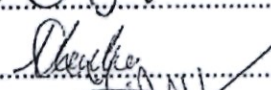


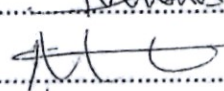

7.4 The Committee recommends to the Assembly to;

- 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

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