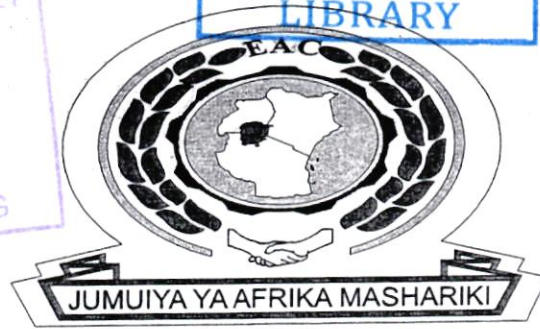
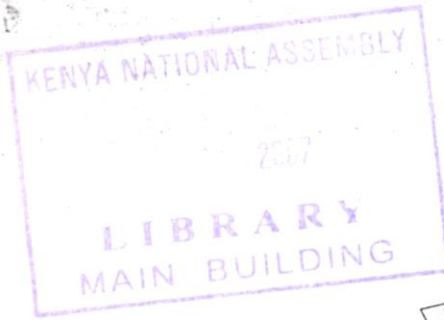


Kenya Nat. Assembly



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

**REPORT OF THE SEMINAR ON ROLES AND MANDATE OF THE
EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

Mt Kenya Safari Club, Nanyuki, Kenya: 25th to 27th June 2004

Full Report

*Report prepared by Simon Ihiga
Trade and Investment Consortium
January 20, 2005*

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NB: Copies of Seminar Presentations are available at EALA Secretariat (Arusha) for interested persons.

1.0 INTRODUCTION

1.1 Background and Seminar Concept

The Treaty for the East African Community, signed on 30th November 1999, established several organs of the Community, among them the East African Legislative Assembly (*hereafter referred to as EALA*), whose mandate and roles are spelt out in Chapter 9 of the Treaty. It was launched in November 2001, and is made up of 32 members, 9 from each of the three EAC Partner states, namely, the Republic of Uganda, The United Republic of Tanzania and the Republic of Kenya. In addition, the Council of Ministers, made up of the 3 Ministers responsible for East African affairs in each partner state, the Secretary General and the Counsel to the Community are ex-officio members of the assembly.

EALA is the Legislative organ of the Community. Its functions are spelt out in Article 49 of the Treaty and include:

1. Liaising with National Assemblies of the partner states on community matters
2. Debating and approving the budget of the community
3. Considering annual reports on activities of the community and reports of the audit commission
4. Discussing all matters pertaining to the Community and recommending to the Council of Ministers on matters related to the implementation of the Treaty
5. Establishing any committees necessary to facilitate the carrying of its functions
6. Recommending to the Council the appointment of the Clerk and other officers of the Assembly
7. Making its own rules of procedure and those of its committees

The work of EALA is organized into 7 Standing Committees, namely:

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

In order to discharge its duties effectively, the Assembly found it necessary to organize a seminar, whose key aim would be to bring together its members and those from National Assemblies to discuss the functional relationships of the two Parliaments, and existing structures of communication and information exchange. It was expected that the outcome of this dialogue would be improved channels of reporting, communication, and joint efforts by the two Parliaments to deepen and

hasten the integration process within the Partner States of the Community. To achieve this goal, the Assembly invited the Hon. Speaker and Members of EALA, the Hon. Speakers of the National Parliaments of the three Partner States, Chairmen and Members of the Foreign Affairs and Defense Committees of the three Partner States, Clerks of the National Assemblies of the three Partner States, the Secretary General and the Counsel to the Community as the seminar participants. Three key presentations were made to the seminar, namely:

1. The EAC Treaty: coverage, strategy and focus, organs and institutions of the Treaty. Hon. Hon Wilbert Kaahwa, the Legal Counsel to the Community, made the presentation.
2. The Role and Mandate of EALA: Mr. Justin Bundi, Clerk to the Assembly, made the presentation.
3. Functional Issues: relationship between EALA and National Assemblies, relationship between EAC Secretariat and EALA, Current deficiencies and challenges in the relationships and domestication of the Community's protocols. Hon. Amaya N. Mushega, Secretary General to the Community, made the presentation.

1.2 Seminar Objectives

The main objectives of the seminar were to:

- 1.1.1 Ensure understanding of the provisions of the Treaty, the roles and mandate of EALA and the National Assemblies.
- 1.1.2 Examine the existing structures for consultation between EALA and National Assemblies, the process of reporting and future challenges in this relationship.
- 1.1.3 Agree on an action plan for facilitating efficient functional relationships between the two Assemblies and the process of integration between the Partner States of the Community.

1.3 Highlights of the opening and closing ceremonies

1.1.4 Official opening

- 1.1.4.1 In his welcoming remarks, the Speaker of the EALA, Hon. Abdulrahma Omar Kinana, thanked the EALA for organizing the seminar and the Fredrick Ebert Stiftung Foundation for facilitating the participation of Ugandan and Tanzanian Members of Parliament at the seminar. He noted that EALA had been existence for only 2 ½ years, yet had managed to pass 7 bills, 6 of which had been assented to by the Heads of State. He also noted that:

- Liaison between the Partner States had so far been encouraging,
- Despite teething problems, EALA had made good efforts to meet its mandate, especially regarding its relationship with National parliaments as stipulated under article 49(2(a) of the Treaty.
- The EAC activities were not yet well known to the people.
- During their country tours, the public had informed EALA members of the need for common identity cards, easing of requirements for cross border trade, and free movement of people and goods across borders. In this respect, there is an urgent need to harmonize labour laws related to movement of people across the borders.
- The equipment for checking luggage at the border points is grossly lacking.
- There is need for regular consultations on the integration process between EALA members and National MPs.
- There is an urgent need for putting in place a strategic process of dealing with challenges related to the integration process.
- All national laws should assent to EAC laws in order for the integration process to be deepened.

1.3.1.2 The Hon. Speaker of the Kenya National Assembly, in a speech read on his behalf by the leader of the Kenyan delegation and Chairman of the Defense Committee, Hon. G.G. Kariuki noted that:

- National Parliaments of the Partner States have played a key role in the economic development of the region. The integration is expected to hasten this process by widening the small national markets, making locally produced goods more competitive through improvement of their quality and opening them to outside competition. The EALA members need to facilitate the achievement of this goal by supporting EAC rather than national interests.
- There is need for community laws that are made with the participation and consent of the people, in order for them to receive wider acceptance and respect.
- The seminar should look at effective use of the region's resources.
- EALA as well as National MPs have a major role to play in facilitating the understanding of the community's benefits by the people of East Africa. In this respect, the MPs and not the Heads of State and Council of Ministers are expected to guide the integration process.
- Unless the EA integration succeeds, globalization will kill the region's economy and make the people poorer.

1.3.1.3 The Hon. Speaker of the Uganda National Assembly, in his speech read by the leader of the Ugandan delegation, Hon. Margaret Zziwa, noted that:

- Uganda had created the necessary institutions to support the EA integration process.
- The activities of EALA have been well appreciated by the Uganda National Parliament, especially those related to minimizing cattle rustling and movement of people across borders.
- The Partner States should make concerted efforts to learn the experiences of global trade from other regional blocs.

1.3.1.4 Hon. Mbarouk Mwandoro, the leader of the Tanzanian delegation and acting Committee Chairperson of the Tanzania National Assembly, who represented the represented the Hon. Speaker of the Tanzania National Assembly, in his speech noted that:

- There are many business opportunities in Tanzania, which EALA members should learn about in their future tours. Such tours should also aim to learn about people's aspirations and expectations from the integration.
- The actions that would be agreed at the seminar would require serious follow-ups aimed at deepening the integration process.
- A road map is required on harmonization of the Partner States' laws.
- A lot of education is required for representatives of the key authorities that are involved in implementation of the community's agreed protocols, such as customs and immigration departments.

1.3.1.5 Hon. Kalonzo Musyoka, the Kenyan Minister for Foreign Affairs, in his speech urged the three EA Partner States to learn from the experience of the EU countries, which are fast removing cross border controls on movement of people and goods. He noted that the EAC is moving too slowly in the integration process, as evidenced by the lengthy discussions that preceded the signing of the Customs Union protocol. He observed that the African Union seems to be moving faster than EAC, by creating the necessary institutions for the integration process. He further noted that:

- It is necessary to appoint Cabinet Ministers in each partner State, solely responsible for EAC matters.
- The current documentation required for crossing borders within the Partner States is too cumbersome.
- EALA members seem not to be taken too seriously by National Parliaments, as shown by the cumbersome process through which EALA's budget is approved.

- 1.3.1.6 Hon. Moody Awori, the Vice President of the Republic of Kenya who officially opened the seminar, in his keynote speech observed that some notable achievements have been made towards the creation of a single market and investment area, key among them being the recently signed protocol for establishment of the EA Customs Union. Other significant achievements in this area include fiscal and monetary harmonization, easing of cross border movement, development of infrastructure, management of shared resources, and political co-operation and security. However, he regretted that parochial political ideologies had killed the first Community, despite the regional body being most promising. He noted that for EA integration to succeed, it requires strong public support and commitment at political level. He urged members of EALA and the National Assemblies to play their rightful role in sensitizing, directing and giving impetus to the integration process, so as to facilitate achievement of the aspirations of East Africans at the shortest time possible. To this end, he re-iterated Kenya's commitment to the timely integration process, as the surest way to fighting poverty being experienced by the people.

1.1.5 Official Closing

- 1.3.2.1 In her closing remarks, the leader of the Ugandan delegation, Hon. Margaret Zziwa, thanked EALA members for organizing the seminar, and the Kenya National Assembly for hosting it. She noted that the seminar had been an important forum of sensitizing members of the National Parliaments on activities of EALA. She assured the Members that the Uganda National Assembly would act on the resolutions of the seminar and facilitate implementation of the Action Plan.
- 1.3.2.2 In his closing remarks, the leader of the Tanzanian delegation, Hon. Mbarouk Mwandoro, thanked the EALA members for organizing the seminar, the Kenya National Assembly for hosting it, and Fredrick Ebert Stiftung for facilitating the participation of Ugandan and Tanzanian MPs at the seminar. He noted that the seminar had been well structured regarding the issues for discussion. He assured the Members that Tanzania was ready for full integration and that his country would take the necessary steps to enable the community to eventually achieve a political federation.

2.0 SUMMARY OF ISSUES THAT EMERGED DURING PRESENTATIONS AND DISCUSSIONS

The issues that emerged during the presentations and discussions at the seminar were grouped under four (4) main topics, which formed the subjects for subsequent group discussions. The 4 topics are:

1. How to Strengthen the EAC Institutional Framework
2. Functional Relationships Between EALA and the National Assemblies
3. Engaging National Parliaments in the Integration process
4. Existing Provisions and Challenges of the Treaty for the Establishment of the East African Community

2.1 How to Strengthen the EAC Institutional Framework

- 1.1.6 There is no planned strategy of making EAC into a Federation. In this respect, an urgent road map is required to drive the process.
- 1.1.7 There are serious gaps on follow-up of agreed actions and resolutions made by the Summit & other organs.
- 1.1.8 EAC Ministers with no other portfolio should be appointed, instead of relying on the Council of Ministers & Heads of State to drive the integration process. The Ministers so appointed should retain their cabinet status so as to enhance dialogues both at cabinet and parliament level. This way, EAC matters would get a better focus during cabinet national parliamentary discussions. Foreign Ministers who are currently in charge of EAC matters have other various foreign affairs and constituency responsibilities, which makes it difficult for them to give proper focus on EAC matters.
- 1.1.9 EALA accounting procedures and the budgeting process should not be under EAC Secretariat. Instead, such procedures should be under the National Budget Committees.
- 1.1.10 The Council of Ministers should facilitate EALA to legislate concluded protocols; to enable National Parliaments can domesticate them at the National Level. In this respect, they should direct the Secretariat to draft relevant bills after conclusion of each protocol.
- 1.1.11 National Parliaments should be involved discussions on issues regarding expulsion of members, disaffection by stakeholders/ politicians, lifespan of the community and other matters relevant to the survival of the community. This would safeguard the danger of political players determining the success or failure of the integration, like happened in the earlier community.
- 1.1.12 There is an urgent need to re-look at the organo-gram of the Community, aimed at making it more efficient. Also, a strategic approach to managing the affairs of the community also seems to be lacking.
- 1.1.13 The Secretariat should establish an internal mechanism for monitoring the benefits and losses of the integration and to follow trends of regional integration in other parts of the world

2.2 Functional Relationships Between EALA and the National Assemblies

- 2.2.1 There exists a weak reporting system from EALA to National Parliaments, and EALA seems not to be involved adequately by National Parliaments. Also, there is inadequate communication between the two Parliaments.
- 2.2.2 There are no EAC common laws. Currently, all laws applicable in Partner states are still national laws. EAC laws have not been domesticated in Partner States.
- 2.2.3 The EAC Council of Ministers do not act on resolutions of EALA because they have many other foreign affairs and constituency responsibilities.
- 2.2.4 National Parliaments should facilitate the process of joint negotiations by Partner States with other regional blocks. In this respect, there is need for enacting national legislations to operationalize resolutions made by Heads of State, e.g. the resolution to jointly negotiate issues on the Multilateral Trade System.
- 2.2.5 EALA sensitization forums should rotate in all regions of the Partner States. Members of National Parliaments should be integrated in the process so that people can be made more aware of the benefits and progress of the integration process.
- 2.2.6 EALA should urgently move to draft an instrument for achievement of a federation within the shortest time possible, and bring the legislation to the attention of National Parliaments for approval and enactment, through the Committees of Foreign Affairs and Defense.
- 2.2.7 EALA, in collaboration with National MPs, should prioritize the needs of EAC and allocate budgets accordingly for approval by National Parliaments.
- 2.2.8 EALA should define goals and framework, and seek support from National Parliaments for achieving them.
- 2.2.9 EALA, in collaboration with National MPs responsible for line committees, should hold regular press conferences and radio talk shows, to enable people to understand the progress and benefits of the integration.

2.3 Engaging National Parliaments in the Integration process

- 2.3.1 Labour Laws on free movement of people within EAC have not harmonized.
- 2.3.2 MPs seem not to be engaged and made aware of the EAC integration process & potential benefits for the people.
- 2.3.3 National Parliaments should drive the process of making the EAC a Federation within the shortest time possible. People will then decide in which regions of the community to invest, study, market their goods, etc.
- 2.3.4 There is need for enhancing people's understanding on the meaning and benefits of the integration so that they can desire and demand for faster achievement of a Federation.
- 2.3.5 National Parliaments should eliminate parochial interests and think about advancing development and overcoming poverty for all East Africans.

- 2.3.6 There is need to re-look at the Customs Union Protocol, since it is the backbone of the integration process. In this respect, collection of customs revenue & its accounting should be at the Community rather than at the national level.
- 2.3.7 National Parliaments should urgently endorse the mechanisms of interaction with EALA. The necessary document to enhance such interaction has already been forwarded to National Parliaments.
- 2.3.8 Each National Parliament should establish a Committee to deal with issues agreed at the current seminar & give guidance way forward to address the identified issues.
- 2.3.9 National parliaments should facilitate the process of direct election of EALA members.
- 2.3.10 All EAC issues, including aviation should be pursued jointly. Partner States should not be signing bilateral agreements with other countries individually.
- 2.3.11 National Parliaments should facilitate the process of making the East African Court of Justice operational and its transformation into a Tribunal with powers to arbitrate disputes between Partner States, business people, human rights issues, etc. They should get experiences from the EU Court of Justice, which has played a key role in the EU integration process by harmonizing national laws.
- 2.3.12 National parliaments need to ensure that Sector Committees in future interact more with other organs like EALA and National Parliaments, so that discussions on relevant issues on the integration process are efficiently discussed.

2.4 Existing Provisions and Challenges of the East African Community Treaty

- 2.4.1 There is poor knowledge of EAC activities & integration process by all stakeholders.
- 2.4.2 A strategic process of facilitating integration process is lacking.
- 2.4.3 The common person still experience problems of crossing borders, such as unnecessary and slow checks on luggage and documentation. One major reason for the slow checking of luggage is lack of equipment for checking goods crossing borders.
- 2.4.4 There is no provision for appointment of EAC Ministers solely responsible for community matters. The treaty relies on Heads of State and Council Ministers to drive the integration process.
- 2.4.5 There is no common approach to effective use of resources in the region is lacking.
- 2.4.6 The globalization process will make East Africans poorer unless there is a speedy EAC integration process. This would ensure that issues like small national markets, inefficient industries, poor quality products, etc, are addressed.

3.0 SEMINAR RESOLUTIONS

The Seminar recognized that there was a need:

- For EAC to negotiate as a bloc,
- For the Community to harmonize its laws and policies;
- For provisions of adequately financing the activities of the EAC,
- To expedite the free movement of persons, labour, services, rights of establishment and residence,
- For appointment of Ministers solely responsible for the East African Community.

To this end, the Members resolved as follows:

3.1 Budget for the East African Community

The Committee of EALA currently studying ways and means of improvement of the budget of EAC expedites its recommendations for adoption by the Council of Ministers. The recommendations should be tabled before the Parliaments of the three Partner States as well.

3.2 Negotiating as a Bloc

That the EALA should expedite the process of enactment of the law that will provide for the EAC Partner States to negotiate as a bloc in the spirit of the directive of the Summit decision of April 11th, 2002.

3.3 Harmonization of Laws and Policies

That although the process of harmonization of laws and policies is ongoing, the Council be urged to speed up the process, as it is quite slow. The Council should however immediately table progress reports on the process of harmonization of laws before the EALA and National Assemblies showing the number of laws and policies that have been harmonized those yet to be harmonized and the time frame within which the process will be completed.

3.4 Free Movement of Persons, Goods and Services

That the Council should immediately put in place modalities for allowing free movement of persons, labour, services, right of establishment and residence. Similarly, all Partner States are urged to repeal existing laws that restrict free movement of persons, labour, services and right of establishment and residence for citizens of East Africa.

3.5 EAC Ministers

That all National Assemblies be urged to implore upon their respective governments to immediately appoint Ministers solely responsible for the East African Community.

3.6 Revision of the Treaty

The appropriate Committee of the EALA expeditiously forward recommendations to National Assemblies proposing the necessary amendments to the Treaty.

3.7 Ratification of Protocols

That the National Assemblies do immediately summon Ministers responsible for ensuring the ratification of protocols to explain the delays in the ratification so far. The Ministers should then be urged to table the protocols before the National Assemblies for ratification.

3.8 Relationship between organs of the Community

That the linkages between EAC organs and EALA and National Assemblies be strengthened through enactment of the necessary legislation that will provide for clear reporting mechanisms, regular fora for dialogue.

3.9 East African Court of Justice

That the Council of Ministers should immediately table before the Assembly, a law that will operationalize the EAC day. Similarly the Council should be urged to expand the jurisdiction of the Court in accordance with the provisions of the Treaty.

3.10 Draft Constitution for Federation

That the National Assemblies urge EALA to constitute itself into a Constituent Assembly to draft a constitution for the federation of East Africa within a period of twelve months.

3.11 Conflict in Northern Uganda

That the Summit be urged, at its next sitting, to follow up on the commitment on the resolution to resolve the long standing conflict in Northern Uganda.

3.12 Follow-up

That all Heads of Delegations do follow-up on the implementation of these resolutions with their respective National Assemblies.

4.0 ACTION PLAN

4.1 How to Strengthen the EAC Institutional Framework

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
1. No strategic plan of making EAC a Federation - need for a road map	Political Federation NB: Customs Union was given a road map, but not other stages of integration, i.e. Common Market, Monetary Union & Federation	<ul style="list-style-type: none"> * Prepare tasks for achieving the road map as given in the Treaty (Article 5 (2). * Review Treaty. * Sensitize National Parliaments on bottlenecks towards achievement of the Treaty's objectives. * Sensitize EA people on the Treaty and mobilize them to support process of achieving a Federation. 	Council of Ministers	Immediately	None
2. Serious gaps on follow-up of agreed actions and resolutions made by Summit & other organs	<ul style="list-style-type: none"> * Effective operational linkages between EALA and National Assemblies * Appointment of Ministers responsible for EAC affairs with cabinet status 	<ul style="list-style-type: none"> * Revise treaty * Summit to discuss and decide * National Parliaments to facilitate for the desired actions 	<ul style="list-style-type: none"> * Summit * National Assemblies 	Immediately, to be achieved by June 2005	None
3. EAC Ministers with no other portfolio are required instead of reliance on Council of Ministers & Heads of State to drive integration process	EAC Ministers with Cabinet Status			Immediately	

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
4. EALA accounting procedures and budgeting process should not be under EAC Secretariat but under national Budget Committees	Adequate EALA budget	Ongoing; aim to ensure operational budget as per action plan	EALA Legal Committee	Ongoing; ensure done satisfactorily by April 2003	None
5. Council of Ministers should facilitate EALA to legislate protocols, so as to facilitate National Parliaments to domesticate them at national level.	<ul style="list-style-type: none"> * Established EA Court of Justice with expanded jurisdiction * Laws to govern protocols * Follow-up & speedy ratification of Protocols by NP's 	Council of Ministers to submit a bill to EALA for an act to establish the EA Court of Justice and expanded jurisdiction			
6. National Assemblies should be involved in discussions on EAC issues regarding expulsion of Members States	<ul style="list-style-type: none"> * Reviewed organo-gram of EAC * Effective Involvement of National Assemblies on EAC matters 	<p>Amend articles 146 and 147 of the treaty</p> <p>Relevant Ministers to present Protocols by to National Parliaments for debate and ratification.</p>	<ul style="list-style-type: none"> * EALA * National Assemblies * EAC Secretariat * Ministry of Foreign Affairs 	June 2005	None
7. Urgent need to re-look at organo-grams of the community to make them more efficient. A strategic approach to managing the affairs of the community is lacking	Efficient organo-gram	Revision of the Treaty	EALA	June 2005	Nil
8. The Secretariat should establish an internal mechanism of monitoring the benefits and losses of the integration	Monitoring system of benefits and losses	Ongoing; ensure activity continues	<ul style="list-style-type: none"> * Secretariat * EALA 	Ongoing	National budgets & donor support

4.2 Functional Relationships Between EALA and the National Assemblies

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
3 Weak Reporting System from EALA to National Parliaments/ EALA not involved adequately by National Parliaments 1.2 Inadequate communication	Legislation to provide for clear reporting mechanisms for EALA and National Parliaments	Draft a Bill; Kenya Parliament to assent S/Orders to provide for reporting by EALA like in other National Assemblies	EALA Kenya National Assembly	By September and National Parliaments to ratify within 6 months	Normal/ Regular
2. No EAC common laws - all laws applicable in Partner states still national laws	Harmonized EAC Laws Ratification of protocols	Line Committees of National Assemblies to summon relevant Minister to report progress on harmonization		Continuous but within six months	Normal/ Regular
3. Council of Ministers does not act on resolutions of EALA since has many other foreign affairs responsibilities	Appointment of Ministers responsible for EAC	Lobby head of states and national parliaments; Joint meetings between summit and council of Ministers	* MPs of Partner States * Foreign Affairs Ministers	Immediate but to be discussed/ Ready in the next summit	Regular/Nor mal
4. National Parliaments should facilitate the process of joint negotiations by Partner States with other regional blocks, by enacting national legislations that apply resolutions made by Heads of State, e.g. the resolution to jointly negotiate under the Multilateral Trade System.	Act as a bloc in negotiations	Enactment; Lobby for assent	EALA National Assemblies	4 months for enactment 6 months for assent	Normal

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
5. EALA sensitization forums should rotate in all regions of the Partner States. Members of National Parliaments should be integrated in the process so that people can be made more aware of the benefits.	Regular outreach programmes	Raise funds; Plan programmes	EALA and Line committees in National Parliaments	3 times a year for each country	National Parliaments to make arrangements
6. EALA should urgently move to draft an instrument for federation within the shortest time possible, & bring the legislation to National Parliaments through Committees of Foreign Affairs and Defense, for approval and enactment	Federation	<ul style="list-style-type: none"> * Enactment * Draft a constitution for discussion on future federation 	EALA	6 months	Regular/Normal
7. EALA in collaboration with National MPs, should prioritize the needs of EAC and allocate budgets accordingly for approval by National Parliaments	Adequate funding for EAC	Adopt Kenyan system for funding for EAC organs, EALA to avail line committees and council of ministers the budgetary proposals for the Community at the start of the budgetary cycle to enable lobbying	Line Committees of National Parliaments; Parliamentary Commissions	6 months	Regular/Normal
8. EALA should define goals and framework and seek support from National Parliaments for achieving them	Faster process of integration	Strategic plan for EALA	EALA	6 months	Normal/Regular

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
9. EALA, in collaboration with National MPs responsible for line committees should hold regular press conferences and radio talk shows to enable people to understand the progress and benefits of the integration.	Publicity/information	Sensitization of public; Raise funds	EALA Line Committees	Continuous	Regular

4.3 Engaging National Parliaments in the Integration process

1. Labour Laws on free movement of people not harmonized within EAC	Free movement of persons Reduction of Immigration barriers, sensitize Immigration Officials, harmonization of laws. Identification of East Africans as against Non-East Africans	Issuance of joint East African identity documents.	Ministry of Home Affairs in each Partner State EAC Sec.	2 years for issuance of East African ID's	Each State to budget for identity documents in their national budget
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Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
2. MPs seem not to be engaged and made aware of the EAC integration process & benefits for the people	<p>Regular engagement between EALA and National MP's</p> <p>Regular reporting of EALA to National Parliaments</p> <p>Establishment of Ministry for EAC Affairs, reporting directly to National Parliaments</p> <p>Co-option of EALA Members to relevant National Parliament Committees</p>	<p>Regular Workshops</p> <p>Co-opt EALA members into relevant Standing Committees of National Parliaments</p> <p>EALA members to be accorded ex-officio status and facilities in National Parliaments</p>	National MP's to lobby Governments for creation of the EAC Ministry together with EALA Speaker	Immediately	Human Resource present
3. National Parliaments should drive process of making the EAC a Federation within the shortest time possible.	Systematic step-by step integration process to be speeded up, i.e. Custom Union, Common Market, Common Currency and political Federation	National parliaments to define and propose structure of the federation, initiate debate	National MP's, EALA Members	Immediately	Financing for seminars and workshops & public rallies

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
4. Need for enhancing people's understanding on meaning and benefits of integration so that they can desire & demand for faster achievement of Federation	Peoples' commitment and ownership	Information dissemination Regular briefings Public engagements	EALA National MPs Political leaders	Continuous	None
5. National Parliaments should eliminate parochial interests and think about advancing development and overcoming poverty for all East Africans	EA priorities override national ones	Hold regular EAC forums to facilitate process of thinking as East Africans	EALA National MPs Political leaders	Continuous	None
6. Re-look at Customs Union Protocol since it is the backbone of the integration process. Have the collection of customs revenue collected & accounted at Community level	Equitable contribution by Partners based on a percentage of a country's GDP New Members (Rwanda and Burundi) to contribute depending on their GDP.	Analysis of GDP and allocation of amount of funds to be contributed	Ministry of Finance & EAC Secretariat	One year to be included in the next budget	Experts from the Ministry of Foreign Affairs of Partner States who are already there.
7. Each National Parliament establish a Committee to deal with issues agreed at current Seminar & give guidance on way forward to address issues	Delegation Heads to this Seminar to report to the Speaker and MP's of NP	Draft Report to be prepared by Secretariat by tomorrow (Monday 28 th June) for then to carry home.	Workshop Organizers	Immediately	Nil, already available

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
Facilitate process of direct election of EALA members	<p>All country's to elect their Members democratically and uniformly through universal suffrage</p> <p>Proportional representation based on a country's contribution</p> <p>Increase EALA Membership to 45</p>	<p>Amend Art. 48 of Treaty to increase EALA Membership in accordance to Art. 150</p> <p>NP's to debate and propose formula for representation</p> <p>NP's to organize seminars for discussion</p>	The Summit The Council of Ministers NP's	Before the expiry of EALA term in 2006	Funding will be necessary
9. All EAC issues, including aviation should be pursued jointly. Individual countries should not be signing bilateral agreements with other countries	<p>Constitution of East African Negotiating Team on all issues, with powers to co-opt experts.</p>	Identification of a 3 person team (one person from Partner State) as a start	Each Ministry of Foreign Affairs to identify their representative	Within 6 months, by December 2004	Salaries for the Team.

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
<p>10. National Parliaments to facilitate process of making the EA Court of Justice operational and transformation into a Tribunal with powers to arbitrate disputes between Partner States, business people, human rights issues, etc. They should get learning experiences from the EU Court of Justice, which has played a key role in EU integration process by harmonizing national laws.</p>	<p>Operational EAC</p> <p>Increased jurisdiction of the EACJ</p>	<p>Council of Minister to prepare Bill and present to EALA.</p> <p>Council of Ministers to broaden jurisdiction of the Court according to the Treaty.</p>	<p>Council of Ministers EALA</p>	<p>Within 6 months, by December 2004</p>	<p>Nil</p>
<p>11. National parliaments need to ensure that Sectoral Committees in future interact more with other organs like EALA and National Parliaments, so that discussions on relevant issues on the integration process are efficiently discussed.</p>	<p>Minister concentrating on EAC Affairs to enable direct supervision of Committees and accountability/reporting to EAC and EALA</p>	<p>Amend the Treaty to allow appointment of Minister</p>	<p>MP's of N P's Ministry of Foreign Affairs</p>	<p>6 Months by December 2004</p>	<p>None</p>

4.4 Existing Provisions and Challenges of the EAC Treaty during the Integration Process

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
1. Poor knowledge of EAC activities & integration process by all stakeholders	More information dissemination process should be enhanced	Amend Treaty to expand on Art. 71 (1) (f) of the Treaty to increase on responsibility on information dissemination	Secretariat Council of Ministers, Coordinating Ministries EALA National Assemblies	Ongoing	Upgrade information office at Secretariat to a fully fledged directorate with links in the Partner States
2. No strategic process of facilitating integration process	EAC ownership by all stakeholders. Enhanced process of integration faster. EAC activities known.	EALA to and Emblems Act to provide various administration posts to fly EAC flag. Finance the process of development of EAC Anthem			
3. Common person still experience problems of crossing borders (e.g. checks on luggage, documentation, etc)	Implement Art. 76 and 104 of Treaty	Issue an East African Common Identity Card	Ministries of Internal Affairs, especially immigration office in Partner States	Immediate	Uganda and Tanzania should jointly mobilize funds for this purpose. The Kenya ID should also be improved on gradually to become similar with the rest.

Current Weaknesses & Challenges	Desired Result Area	Tasks	Responsible	Timeframe - By When	Resources: (financial, manpower)
4. No provision for appointment of EAC Ministers; Treaty relies on Heads of State and Council Ministers to drive integration	Ministers solely for EAC matters should be appointed	Implement Article 8 and 13; National Assemblies should resolve that Head of State do this.	Each Partner State	Immediate	Partner States
5. There is no common approach to effective use of resources in the region	Provisions exist in the Treaty	Immediate plan for implementation of Article 114	Coordinating Ministries	Immediate	Partner States EAC
6. Globalization process will make people poorer unless there is speedy EAC integration process	Necessary laws to be enacted	Enact the necessary laws: Competition Customs and Standardization	Council of Ministers; National Assemblies; EALA; Relevant Ministries	Immediate	Partner States EAC

5.0 ANNEXURE

ANNEX 1



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

EALA SEMINAR ON THE ROLE AND MANDATE OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY (EALA) IN THE CONTEXT OF THE TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY (EAC)

OPENING REMARKS
BY THE
HON. ABDULRAHMAN O. KINANA,
SPEAKER
OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

MT. KENYA SAFARI CLUB, NANYUKI
JUNE 25TH- 28TH, 2004

SPEAKER'S CHAMBERS
FIFTH FLOOR, NGORONGORO WING
AICC COMPLEX
ARUSHA
Tanzania

June 25, 2004

The Guest of Honour, H.E. Hon. Moody Awori, M.P.
Vice President, and Minister for Home Affairs

The Hon. Minister for Foreign Affairs,

Hon. Speakers of the three National Assemblies,

Hon. Members from our three National Assemblies, and the East African Legislative Assembly,

Distinguished guests

Ladies and Gentlemen.

May I first of all thank all of you for kindly accepting our invitation to participate in this first ever, joint seminar of all the four parliaments of East Africa. I warmly welcome you to Nanyuki, which I am afraid is not equally warm this morning, but with plenty of fire places, warm clothing and good food and drinks, Nanyuki is the ideal place for the kind of business we hope to accomplish in the next two days. Located away from our constituents, where communication by cell phone is difficult, we shall definitely interact without undue interruption.

I am particularly pleased to welcome Members from our National Parliaments, for very obvious reasons. They are our electorate, and this will definitely be a great opportunity to consult them on the issues they would like deliberated in the Regional Assembly. On a light note, they will determine whether we are re-elected to the EALA, come November 2006. More importantly, the EALA Country Chapters report to the Foreign Affairs Committee of the respective parliaments and consults regularly with Trade Committees. The participation of the two Committees in the Seminar will add value to the future operations of the EALA and the entire East African Community. I would therefore like to thank the respective Speakers for allowing Members of the two Committees to attend this seminar at short notice, and during the budget session of the three parliaments.

I would like to extend my special gratitude to the Kenya National Assembly, and ultimately the Kenya Government for their wholehearted support to the EALA, and the entire Community. We are on our third year, and every year since inauguration, the Kenya National Assembly has sponsored our tour of Kenya. We now know Kenya more than any other Partner State. I am particularly indebted to Speaker Kaparo because for every constituency we tour, the area Member of Parliament is at hand to receive and guide the Members of EALA. On

behalf of the EALA, and on my own behalf we are grateful to the Speaker and all Members of Parliament of the National Assembly.

When we joined the Assembly in November 2001, all of us twenty-seven members found ourselves in an unknown territory. We had no traditions to guide us in our operations. For the few that were lucky to have served in the National Parliaments, the procedure and practice was not exactly the same. We spent quite a bit of time developing a common approach. In this regard, I am grateful to FES for mounting capacity building seminars and workshops both at Arusha and in the cities of the Partner States. I am particularly grateful to Dr. Roland Schwartz the outgoing FES Country Director for Kenya for his generous support in the past and for fully facilitating the participation of our colleagues from Uganda and Tanzania during this seminar.

Hon Members, it is now two and a half years since the East African Legislative Assembly was inaugurated. In this initial period, we have strived to do our job as mandated by the Treaty. We have so far passed seven Bills into Law, six of which have already been assented to. We have also, as provided for in the Treaty, adopted five Resolutions that made specific recommendations to the Council of Ministers on the implementation of some aspects of the Treaty.

Similarly, we have also continuously made efforts to liaise with the National Assemblies of Partner States with regard to our functions and the inhibitions we have encountered in between. In the brief period of our existence, I think we have made tremendous effort in fulfilling our mandate despite obvious teething problems not uncommon in new organizations.

The purpose of this Seminar is founded in the Provisions of Article 49 (2) (a), where we are obliged to liaise with you, the National Assemblies on matters relating to the Community. I agree that we have been constantly liaising, but we may ask ourselves whether what has so far been done is enough, if not, how do we improve interaction and consultations.

The necessity for this seminar has also been occasioned by increasing concern on the whole process of integration. While the EAC, and all its organs and institutions have made plenty of achievements in their areas of operations, the people on the ground are not fully aware of the operations of the community. And to avoid the pitfalls of the previous community, it is essential that the people's priorities take center stage in any strategic plans and developments.

During the various country tours, the most widely pronounced priorities by the people are free movement across the borders, identity cards and easing of cross border trade. And as President Museveni said during the Assembly Session in Kampala on 21st January, 2002 in reference to cross border trade:-

“Even this miniscule market – this small market of East Africa is not fully integrated. So you cannot fully use this because at the border, when you go there, you must get off your bicycle, they remove all the things! They look inside – they do not even have the machines to look inside! You spend the whole day, instead of going and coming back, because that’s how you can make money. But if you are going to reach the border of Malaba at night, they will close and then you will just go to sleep. They think business closes at night.”

The situation has not changed much since then. Last Friday during the EALA tour of the Coast, we received similar complaints from the residents of Lunga Lunga about difficulties in trading across the borders. What was even more astonishing with regard to free movement of persons, we noticed that at the immigration offices on the Kenya side, that there is a proposal to double the number of immigration posts along the borders. This is obviously not in support of the people’s priorities.

The need for a big market is no longer debatable because it is a matter of whether you will survive or perish. No country has survived without access to a big market. East Africans must therefore secure their market before the free trade regime under the WTO sets in. We will therefore have to harmonize our laws on trade and free movement of labour, which in essence means that the partner states will have to surrender some authority to the regional organization. To succeed in harmonizing laws we need the support and participation of all the National Assemblies.

Fortunately, the heads of state support EALA on this as was stated by President Mkapa during our inauguration seminar way back on December 1st, 2001 at Lake Manyara Hotel, Arusha.

“The East African Legislative Assembly will among its other functions legislate for the Community. That means we now have a body that will make laws, which will touch and affect all East Africans, for better or for worse..... Your task will therefore involve translating into law the political will and the East African People’s aspirations for greater and faster regional integration and cooperation.” It is therefore incumbent on the EALA and the Members of Parliament from our Partner States to mobilize public opinion so that we can move faster. We therefore need to consult regularly so that we develop a common approach in addressing regional issues. The challenge to guide the integration process squarely lies with us, the elected representatives of the People of East Africa.

Hon. Members, It will be a great opportunity during this seminar to address some of the challenges, and develop strategies on the way forward. The Seminar programme covers all aspects of the Treaty and we should be able to identify where there are strengths and weaknesses. We have planned to have plenary sessions today and then spend most of the time tomorrow in working groups. Luckily enough we have all the heads of the organs of the

Community who will share with us during the various sessions their experiences in implementing the Treaty.

With those few remarks, I would like to stop here and invite the leaders of delegations to make their brief statements.

Thank you.

ANNEX 2

COMMENTS BY THE SPEAKER, THE HON. FRANCIS K.X. OLE KAPARO, MP, DURING THE SEMINAR ON THE EAST AFRICAN LEGISLATIVE ASSEMBLY SEMINAR IN THE CONTEXT OF THE TREATY FOR THE EAST AFRICAN COMMUNITY

The Speaker of EALA, Hon. A.O. Kinana,
The Speaker of the Uganda Parliament, Hon. Ssekandi,
Hon. Members of the East African Legislative Assembly,
Hon. Members from the Member State Parliaments,

Distinguished Guests,

Ladies and Gentlemen.

It gives me great pleasure to join you today for this important East African Legislative Assembly seminar on the role and mandate of East African Legislative Assembly in the context of the Treaty for the establishment of the East African Community. This is the second time round the EALA is holding a similar function here in Kenya and we happily welcome it. Kenya feels honoured and privileged to host this important seminar and to receive the many Parliamentarians and the senior Government Officers from the East African Community.

Distinguished guests, following the signing of the treaty establishing the East African Legislative Assembly in November 2001 and the subsequent signing of the East Africa Customs Union in March 2004, The East African Community realized yet another milestone in an effort to establish a more powerful political and economic bloc. The signing of the two treaties outlines a comprehensive system of co-operation among the partner states in trade, investments and industrial development, monetary and fiscal policy, infrastructure and services, human resources, science and technology, free movement of factors of production, agriculture and food security, environment and natural resources management, tourism and wildlife management just to mention a few.

The East African Community's strategic plan includes, as a core objective, furthering the ability of Member States to move towards the adoption of locally utilizable systems of good governance and to continue to contribute to the strengthening of our National Parliaments. This objective embodies perhaps the most fundamental contribution that the EAC can make for its Member States. In line with this noble idea in mind, we are happy that this seminar is zeroing in on better understanding of the EAC treaty and establishing linkages between EALA and the three National Assemblies of Kenya, Tanzania and Uganda for a faster realization of the goals and objectives of the EAC treaty.

Distinguished Guests, the role played by the EALA and the National Parliaments of Kenya, Tanzania and Uganda cannot just be over-emphasized. For any meaningful economic, political and social integration to be realized in East Africa, objective legislation must be put in place. It is for this reason that the three National Parliaments are gathered under the fort of this great mountain to discuss matters of the integration from a legal perspective.

Indeed, I am not an economist or banker by profession but it would be hard for me and anyone here to imagine what development path of a country with a closed economy would be like. A closed economy implies less competition, protected and inefficient industries, poor quality products, small markets and limited capital flows and investments. In general, closed economies associate with various inefficiencies that translate into low levels of economic growth. It is for this reason that I stand here before you challenging all Honourable Members present in this seminar to look beyond their countries and pay more attention to ways of enhancing sustainable legal and economic structures that will see EAC to the next generations. It is very easy for each of the three countries to worry on what they will stand to gain through this integration but I am more worried of how to come up with sustainable structures to support this noble integration.

The function of law making is indispensable but in modern day life societies, both large and small are governed by law to prevent anarchy and lawlessness. In order for any law to be acceptable in any given society, it must have some kind of legitimacy. Legitimacy of a law is mainly dependent on the acceptability of the law-making authority and the manner in which the law is made. Generally speaking, laws which are made through the participation and with the consent of the subjects of the proposed laws are more likely to be accepted than those which are imposed.

In the case of regional organizations, their regional assemblies, which are composed of elected representatives of the ordinary individuals, should be in a better position to make regional laws that directly affect the rights and obligations of those individuals. This can be contrasted to national laws, which in most cases are made with the active participation of elected members of National Parliaments.

There is no doubt that, if regional assemblies are involved in the law-making process in relation to their respective regions, the resultant laws will command greater respect since they would have been made with the consent (though indirect) of the affected people. The consent is indirect because it is given through the people's representatives in the regional assemblies. This can be said to be a democratic law-making process.

The advent of regional integration organizations in the world at large and on the African continent in particular brings in the question of common approach to legal matters. Whilst a harmonized approach to international, regional and national laws is important to the attainment of complete regional integration, such a harmonized approach becomes even more important where community law is concerned. Community law, which emanates from active participation, commands greater command, greater legitimacy and respect from the assemblies and the people who are subject to that law.

Finally, I do hope that this and similar forums which will be held in the future, will go a long way towards the promotion of effective use of public resources in East Africa and the continent at large. This will also assist Parliaments to fulfill their constitutional mandate.

Thank you.

ANNEX 3

SPEECH BY HON. MARGARET ZZIWA, PARLIAMENTARY COMMISSIONER AND CHAIRPERSON COMMITTEE ON PRESIDENTIAL AFFAIRS ON BEHALF OF RT. HON. EDWARD KIWANUKA SSEKANDI - SPEAKER OF THE PARLIAMENT OF UGANDA AT THE OPENING OF EAST AFRICAN LEGISLATIVE ASSEMBLY SEMINAR

H.E. Hon. Arthur Moody Awori - Vice President of Kenya,
Hon. Stephen Kalonzo Musyoka - Minister of Foreign Affairs - Kenya
Hon. Amos Wako - The Attorney General - Kenya
Rt. Hon. Speaker Abdulrahman O. Kinana - Speaker of the EALA,
Rt. Hon. Speaker ole Kaparo - Speaker of the National Assembly of Kenya,
Secretary General - East African Community - Hon. Amanywa Mushega,
Hon. Members of East African Legislative Assembly,
Hon. Members of Parliament of Kenya, Uganda and Tanzania,
The Clerks and other staff from the Assemblies
Our Development Partners - Friederich Ebert Foundation
Ladies and Gentlemen

I wish to bring warm greetings of Hon. Edward Kiwanuka Ssekandi - Speaker of the Parliament of Uganda. He extends his appreciation to you Hon. Speaker of EALA for the arrangement of this seminar which will deepen the cooperation between our National Assemblies and the EALA, in pursuance of the objective of the East African Cooperation as envisaged in the Treaty for the good and prosperity of our people of East Africa.

Hon. Ssekandi has asked me to extend his apologies for his absence thus inability to be at this seminar, while he would have loved to attend, he is currently indisposed with a severe flu and fever. He expressly asked me to represent him as a Member of the Parliamentary Commission and to lead the Uganda delegation to this seminar.

I wish on behalf of my colleagues the Uganda Team of MPs present to thank the National Assembly of Kenya for the warm welcome accorded to us and the beautiful preparation of this seminar in this beautiful part of your country.

Parliament of Uganda has followed and participated keenly in the process of re-establishment of the East African Community which had collapsed in 1977. Parliament of Uganda salutes the Member States and specifically the Heads of State of the 3 East African States for the visionary manner in which they have handled the issues of the Community which has brought back the East African pride and has rekindled the hope of our people.

The signing of the Treaty for the Establishment of the East African Community on 30th November, 1999 was a clear manifestation to this commitment. The Treaty sets out fundamental pillars on which full integration will be achieved namely cooperation among Partner States in Trade, Investment and Industrial Development. The Treaty puts emphasis on common fiscal, monetary and infrastructure development in order to achieve full cooperation. Many other key areas also are being targeted for the benefit of our people.

As part of its role, Parliament of Uganda participated in the Establishment of the organs and institutions of the Community as stipulated by Article 9 (f) by electing Uganda Members to the East African Legislative Assembly.

Parliament of Uganda in the same breath and in fulfillment of its mandate enacted an enabling law the East African Community Act 2002, and will continue exercising this role through ratification of the necessary passed protocols.

Parliament has continued to offer a supportive role to its Members to the EALA through provision of an office and other support facilities like e-mail and stationery services.

Parliament has received reports and has interacted with its Members to the EALA through its constitutional committee system and through the normal Parliamentary reporting procedures about the performance of the EALA, challenges and opportunities yet to be explored.

Parliament of Uganda appreciates the work so far done by the EALA. It appreciates the keen follow up on the topical issues within the region like HIV/AIDS, war in some parts of the region, particularly Northern Uganda, Refugee issues, Famine and drought, cattle rustling and

inter-tribal wars, inter-border concerns, the free movement of our people and Trade amongst themselves, among others.

Parliament of Uganda welcomes the signing of the Customs Union Pact early this year and looks forward to its long expected benefits to its people and to our economies certainly it is the way forward.

Mr. Speaker Sir, recognizing the deep role Parliaments have to play in our democracies like the significant representative role of the people, the challenge on the hands of the EALA and on National Assemblies is big. We need to tap the known and available opportunities like the experiences in the global trends about regionalization and cooperation e.g. in the EU, to quicken the process of integration. We need to support our governments in their quest to forge a united common market both for incomes and export. We need to harness our would be fragmented resources into a combined resource for effective and optimal delivery of services to our people.

And most of all we need to keep reminding our governments and supporting them in fulfilling their obligations and commitments to the Treaty and to the people of East Africa. This Seminar is in the right direction.

Mr. Speaker, Hon. Members, I thank you once again for the opportunity to enable our parliaments come together with the EALA and I wish you a fruitful seminar.

Thank you.

ANNEX 4

OPENING REMARKS BY HON. KALONZO MUSYOKA, MINISTER FOR FOREIGN AFFAIRS DURING THE OFFICIAL OPENING OF THE SEMINAR FOR THE EAST AFRICAN LEGISLATIVE ASSEMBLY HELD AT MT. KENYA SAFARI CLUB ON 26TH JUNE 2004

Your Excellency, Hon Moody Awori - Vice President of the Republic of Kenya,
Hon. Abdulrahman Kinana - Speaker of the East African Legislative Assembly,
Hon. Francis Ole Kaparo - Speaker of the Kenya National Assembly,
Hon Edward Kiwanuka Ssekendi - Speaker of the Uganda National Assembly,
Hon. Mbarouk Mwandoro - Acting Committee Chairman, Tanzania National Assembly,
Hon. Members of the East African Legislative Assembly,
Hon. Members of the National Assemblies of Kenya, Uganda and Tanzania,
The Honourable the Attorney General of the Republic of Kenya,
Distinguished Ladies and Gentlemen.

It is my honour and privilege to welcome you all and to thank H.E. the Vice President of the Republic of Kenya for accepting to grace this occasion. This is a great day when members of the East African Legislative Assembly come together with members of the National Assemblies of the three Partner States.

Your Excellency, the people of East Africa recognize the importance of unity and regional integration as a basis for rapid development of the East African economy. I speak on behalf of all in paying tribute to the East African Heads of State for the re-birth of the Community. The determination of purpose has been demonstrated by the signing of the various treaties and protocols and by sustained efforts in ensuring the effective functioning of this organization.

The establishment of the East African Legislative Assembly in November 2001 and the continued support for its activities bear great symbolic significance and demonstrates the decisive and practical orientation which our community is assuming.

The Assembly is meant to be the voice of the people of East Africa and the treaty has mandated it to discuss all matters pertaining to the Community with a view to ensuring rapid

achievement of the objectives. Indeed we are greatly inspired by the keen interest, which the people have taken in the Community. Issues of the free movement of people, goods and services, development of regional infrastructure and other facilities are of topical interest in the region today. The recent signing of the protocol for the establishment of the East African Customs Union is testimony of the understanding of their constituency which runs across the entire East African region.

Apart from the visits to various institutions, projects and sites in the Community, the members hold seminars during such tours. In such seminars, views are exchanged on the work of the representatives of the people of East Africa. The seminar today is part of the ongoing Kenyan tour of these members, which has taken them to Nairobi, Coast and Eastern Provinces. The tour will end with visits to various places in the Central Province later this week.

Your Excellency, the significance of this seminar cannot be over-emphasized considering that members of the East African Legislative Assembly and the perspective National Assemblies of Kenya, Uganda and Tanzania have gathered together as political players in the East African integration process. The consultations are crucial for a successful teamwork among the members as they provide policy guidance in the working of the organization.

We are encouraged by Kenyan's steadfast support for the East African integration initiative and in particular the activities of the East African Legislative Assembly. Your words of wisdom will be a great inspiration as we go into the task ahead of us.

Your Excellency, It is my singular honour and pleasure to invite you to address this gathering.

Thank you.

ANNEX 5

SPEECH BY H.E. HON DR. A.A. MOODY AWORI, VICE PRESIDENT OF THE REPUBLIC OF KENYA DURING THE OFFICIAL OPENING OF THE SEMINAR FOR THE EAST AFRICAN LEGISLATIVE ASSEMBLY HELD AT THE MT. KENYA SAFARI CLUB ON 26TH JUNE 2004 AT 9.00 A.M.

Hon. Abdulrahman Kinana - Speaker of the East African Legislative Assembly,
Hon. Francis Ole Kaparo - Speaker of the Kenya National Assembly,
Hon Edward Kiwanuka Ssekendi - Speaker of the Uganda National Assembly,
Hon. Mbarouk Mwandoro - Acting Committee Chairman, Tanzania National Assembly,
Hon. Ministers present,
Hon. Members of the East African Legislative Assembly,
Hon. Members of the National Assemblies of the East African Partner States,
The Secretary General of the East African Community ,
Distinguished Guests

Ladies and Gentlemen,

On behalf of the Government and the people of Kenya and on my own behalf, I would like to welcome you to Kenya. It is my hope that all of you have been received well since your arrival. I also hope that the tour of the members of the East African Legislative Assembly in Kenya has so far been interesting and fruitful, having taken you to different areas and institutions in the country during the last one and half weeks.

The big attendance to this seminar by the political stakeholders from across the three East African Partner States signifies our commitment and determination to forge ahead with the East African integration process.

Ladies and Gentlemen, East Africa is a part of the global village currently undergoing fundamental transformations on the basis of intensive competition. It stands out as a natural region with a huge population by African standards, good agricultural land endowed with unique natural resources and features with vast potential for development. Together our three

Partner States therefore have greater possibilities of improving and creating an enabling environment for expanded regional business and investments and attracting tourists in the region.

Potential investors have taken a keen interest in the concept of a single market, efficient regional infrastructure, security, good governance and free movement of people, goods and services in the region. Under such conditions, competition would fuel efficiency, innovation and creativity in the productive sectors of agriculture, industry, trade and services.

Experience in our region and elsewhere, however, shows that regional integration has to be pursued vigorously for it to succeed. Most important of all, it requires strong public support and unequivocal commitment at political level.

Ladies and Gentlemen, I not with appreciation that a lot has been achieved towards the creation of a single market and investment area in our region in the following areas:

- Fiscal and monetary policy harmonization
- Easing of movement across borders
- Development of infrastructure
- Management of shared resources
- Political co-operation and security

Most importantly the protocol for establishment of the East African Customs Union, which we recently signed in Arusha further makes a milestone in this direction. The benefits to come from this development are enormous for all of us. Such benefits range from competitive production of goods and services, attraction of investments from within and outside the sub-region, enhancement of global influence of the Partner States and efficient utilization of resources at the disposal of Partner States.

In line with the current policy thrust, the private sector is expected to be the engine of growth and the prime mover in the development process at national as well as regional level. Government and public sector in general has the role to provide the appropriate environment for successful working of the private sector. Politicians and the civil society therefore come in handy to enhance this enabling environment through provision of the necessary guidance and regulatory framework.

Ladies and Gentlemen, the East African Legislative Assembly is certainly a very important organ of the Community. The Assembly discusses all matters pertaining to the Community, through liaison with among others the National Assemblies of the Partner States on matters pertaining to the Community in accordance with the provisions of the treaty for establishment of the East African Community. It is therefore expected to set the tune and tenor of the Community and should go a long way towards achieving the aspirations of the people of East Africa during our lifetime.

As political stakeholders in this region, members of the East African Legislative Assembly and those of the National Assemblies in our three Partner States have a big role in advancement of the public appeal and political will for our integration endeavor. The East African people rely on you in their expectations of rapidly achieving East African Community through provision of the necessary sensitization, direction and impetus. These efforts will be supportive of much desired timely implementation of the East African Customs Union and other programmes of the Community.

Ladies and Gentlemen, the smooth working of the East African Legislative Assembly can, however, only be guaranteed through effective linkages and workings with the National Assemblies in the Partner States, other public sector institutions and the east African

Community Secretariat. It is therefore very crucial that the linkages with all these institutions be well guaranteed, placed and understood.

I personally recognize this seminar as timely and most appropriate as you address yourselves to topical issues, which enhance your understanding of the role and mandate of the East African Legislative Assembly and structures for its consultation with the National Assemblies in the Partner States among other institutions. Your exchange of views on these issues will go into sharpening your focus towards smooth working relations, which will go into positively influencing the speed of the integration process in our region.

I am certain that the resource persons already lined up for these topics will give you insights and challenges which will spark useful deliberations and conclusions on these very important issues.

It is important to note that the treaty under which the assembly was established was negotiated long before the Assembly was in operation. With the practical experience on the ground since the launching of the Assembly, there could be reasons to improve on its working environment. Shortcomings in the existing procedures if established should be addressed and rectified through all means at our disposal.

Ladies and Gentlemen, allow me to take this opportunity to re-iterate Kenya's commitment to the timely integration of our economies as the surest way to fighting the problem of poverty currently facing our people. In this regard, the NARC administration is prepared to take the necessary steps to ensure full co-operation and rapid achievement of the much-desired integration for our region. We realize that with the rapid changes the world is witnessing today, time may not be entirely on our side. We have to move fast to fully integrate the East African economies and share our common vision of accelerated growth for our countries.

It is now my pleasant duty to declare this seminar officially open, and to wish you fruitful deliberations. Long live East African Community. Thank You.

ANNEX 6
SEMINAR PROGRAMME
 Role and Mandate of EALA in the Context of the EAC Treaty

Mt Kenya Safari Club (Nanyuki): 25th-28th June 2004

Time	Event	In Charge	Session Chair	Discussants
Day 1: Friday 25th June 2004				
Afternoon	Arrival and Registration	Clerk, EALA		
Day 2: Saturday 26th June 2004				
9.00 a.m.	Welcoming Remarks and Introduction of Participants	Hon. A.O. Kinana Speaker, EALA	Hon. A.O. Kinana Speaker, EALA	
	Statements by Speakers of National Assemblies	Hon. Francis Ole Kaparo; Kenya national Assembly Hon. Edward Ssekandi; Parliament of Uganda Hon. Pius Msekwa; Tanzania National Assembly		
	Opening Remarks	Hon. Stephen Kalonzo Musyoka - Minister for Foreign Affairs; Kenyan		
	Official Opening	Hon. Moody Awori - Vice President of the Republic of Kenya		
	<ul style="list-style-type: none"> • Workshop Concept • Workshop Objectives and Expected Outputs • Workshop Programme • Logistical issues (discussion groups, method of discussions & reporting, any administrative issues) 	Hon. Rose Waruhiu		
	10.30 a.m.	COFFEE/ TEA BREAK		

Time	Event	In Charge	Session Chair	Discussants
10.30 - 11.00 a.m.	EAC Treaty * Coverage * Strategy and focus * Organs and Institutions	Hon Wilbert Kaahwa: Legal Counsel East African Community Secretariat	Hon. Med Kagwa	Hon. MPs from EALA and Partner States
11.00 - 12.00 p.m.	Plenary Discussions			
12.30 - 1.00 p.m.	Role and mandate of EALA <i>Highlights</i> * Mandate * Committees & their functions * Current status & existing Structures * Future challenges & foreseen weaknesses	Mr. Bundi: Clerk, EALA	Hon. Mabere Marando	Hon. MPs from EALA and Partner States
1.00 - 2.00 p.m.	LUNCH BREAK			
2.00 - 3.00 p.m.	Plenary Discussions			
2.00 - 2.30 p.m.	Functional Issues <i>Highlights</i> * Relationship between EALA and National Assemblies * Relationships between EAC Secretariat & EALA * Current deficiencies and challenges in the relationships * Domestication of EAC Protocols (legislation, responsibilities, etc)	Hon. Amanywa Mushega, Secretary General East African Community	Hon. Ogalo	Hon. MPs from EALA and Partner States
2.30 - 3.30 p.m.	Plenary Discussions			
3.30 - 4.00 p.m.	COFFEE/ TEA BREAK			

Time	Event	In Charge	Session Chair	Discussants
4.00 - 4.30 p.m.	Guidelines on Action Plan * Summary of Issues for Group Discussions * Expected Contents of Plan	Simon Ihiga: Workshop Facilitator	EALA	
9.00 - 12.00 noon	Working Group Discussions	Each Group to nominate its Moderator		
12.00 - 1.00 p.m.	Presentation of Group Reports	Group Chairpersons	EALA	
1.00 - 2.00 p.m.	LUNCH BREAK			
2.30 - 4.00 p.m.	Plenary Discussions			
4.00 - 4.30 p.m.	COFFEE/ TEA BREAK			
8.30 - 10.30 a.m.	Summary of Action Plan & Seminar Resolutions	S. Ihiga: Facilitator	EALA	
10.30 - 11.00 a.m.	Seminar Closing	Leaders of Country Delegations	EALA	

Annex 7
LIST OF PARTICIPANTS

Members of East African legislative Assembly

1. The Hon. Kinana, Abdulrahman Omar, M.P. - The Hon. Speaker
2. The Hon. Hamid, Mahfoudha Alley, M.P.
3. The Hon. Jecha, Said Bakari. M.P.
4. The Hon. Marando, Mabere Nyauch, M.P.
5. Dr. the Hon. Mwakyembe, Harrison, M.P.
6. The Hon. Sepetu, Isaac Abraham, M.P.
7. The Hon. Shellukindo, Beatrice Matumbo, M.P.
8. The Hon. Bagalaaliwo, Nanziri Sarah, M.P.
9. The Hon. Capt, Ddudu, Richard Baker, M.P.
10. The Hon. Kaggwa, Sozi Kiwanuka Med, M.P.
11. The Hon. Kanyomozi, Yonasani Bankobeza, M.P.
12. The Hon. Kawamara, Mishambi Sheila, M.P.
13. The Hon. Ovonji-Odida, Irene, M.P.
14. The Hon. Ogalo, Wandera Daniel, M.P.
15. The Hon. Wanyoto, Mutende Lydia, M.P.
16. The Hon. Maj. Gen. Mugisha, Muntu Oyera, M.P.
17. The Hon. Lt. Gen. Adan, Abdullahi, M.P.
18. The Hon. Abdi, Haithar Abdirahin Haji, M.P.
19. The Hon. Prof. Kamar, Margaret Jepkoech, M.P.
20. The Hon. Kangwana, Jared Benson, M.P.
21. The Hon. Ochieng-Mbeo, Gilbert, M.P.
22. The Hon. Mwatela, Calist Andrew, M.P.
23. The Hon. Waruhiu, Wairimu Rose, M.P.
24. The Hon. Shamala, Maxwell, M.P.
25. The Hon. Zubedi, Mohammed Abdalla, M.P.
26. The Hon. Mushega, Nuwe Amanya - Secretary General
27. The Hon. Kaahwa, Wilbert Tibazindwa Kasaija - Counsel to the Community

Uganda Parliament

1. Hon. Zziwa Margaret, M.P.
2. Hon. Awori Aggrey, M.P.
3. Hon. Amongi Betty, M.P.
4. Hon. Wakikona David, M.P.
5. Hon. Mugambe Joseph, M.P.
6. Hon. Sitenda Sebalu, M.P.
7. Hon. Ateng Margaret, M.P.
8. Hon. Bamwanga Steven, M.P.
9. Hon. Mugerwa Sauda, M.P.
10. Hon. Olum Zachary, M.P.
11. Mr. Wabwire G. Paul - Secretary to the Committee

Tanzania Parliament

1. Hon. Mwandoro K. Mbarouk, M.P. - Acting Committee Chairperson
2. Hon. Dr. Wanyancha James, M.P.
3. Hon. Karamagi Nazir Mustafa, M.P.
4. Hon. Kazi Stephen M., M.P.
5. Hon. Hashim S. Saggaf, M.P.
6. Hon. Mpesya Benson M., M.P.
7. Hon. Khalifa S. Khalifa, M.P.
8. Hon. Ussi Y. Haji, M.P.
9. Ms. Mbagga Phoebe - Secretary to the Committee

Kenya Parliament

1. Hon. G.G. Kariuki, M.P.
2. Hon. Nkaisery Joseph, M.P.
3. Hon. M'Mukindia Kirugi, M.P.
4. Hon. Ndung'u Njoki, M.P.
5. Hon. Mwendwa Nyiva, M.P.
6. Mr. Mutunga Daniel - Secretary to the Committee on Finance and Trade
7. Ms. Kioko Serah - Secretary to the Committee on Defense and Foreign Relations
8. Mr. Matiko Nicholas - Welfare Officer

East African Court of Justice

Hon. Kassanga Mulwa

Staff: EALA, Kenya National Assembly and Ministry of Foreign Affairs

1. Mr. Bundi Justin - Clerk, EALA
2. Mr. Madete Kenneth - Principal Clerk, EALA
3. Dr. Ruhangisa John - Registrar, Court of Justice, EAC
4. Mrs. Lawoko O. Stella - Secretary, EALA
5. Mr. Timpati Rana - Clerk Assistant, Kenya National Assembly
6. Ms. Thurania Anita - Senior Clerk Assistant, Kenya National Assembly
7. Ms. Rubia Cathrine - Research Assistant, Kenya National Assembly
8. Mr. Kotut Daniel - Ministry of Foreign Affairs
9. Ms Nyimbale Mary - Ministry of Foreign Affairs, Press

Rapporteur/ Facilitator

Mr. Ihiga Simon - Trade and Investment Consortium