

REPUBLIC OF KENYA



**KENYA NATIONAL ASSEMBLY**

**TENTH PARLIAMENT - SECOND SESSION - 2008**

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**REPORT OF THE KENYA DELEGATION TO THE  
FOURTH INTER-PARLIAMENTARY RELATIONS  
SEMINAR (NANYUKI IV), KIGALI, RWANDA: 1<sup>ST</sup> – 3<sup>RD</sup>  
OCTOBER, 2008**

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**EAST AFRICAN COMMUNITY FROM CUSTOMS UNION TO THE  
COMMON MARKET: PROSPECTS AND CHALLENGES**

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CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

FEBRUARY, 2009

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## **FOREWORD**

**Mr. Speaker, Sir,**

The Kenya delegation that attended the Inter-Parliamentary Relations Seminar in Kigali, Rwanda (Nanyuki IV) between 1-3 2008 was drawn from three Departmental Committees of the Kenya National Assembly. Members of the delegation were nominated from the Finance, Trade and Planning; Health, Housing, Labour and Social Welfare as well as Defence and Foreign Relations Committees respectively. The seminar which is a continuation of a series of other seminars popularly known as Nanyuki series, was also attended by other nations of the East Africa Community viz; East Africa Legislative Assembly (EALA), Members of the National Assemblies of Kenya, Tanzania, Uganda, Burundi and Rwanda; Economic Community of West African States (ECOWAS) delegates, and Members of the East Africa Community (EAC).

The theme of the seminar was **“EAC, from Customs Union to the Common Market: Prospects and Challenges.”** The seminar’s main focus was to explore the role of Parliaments of the partner states in the process, as well as the effectiveness of the Economic Partnership Agreements (EPAs) and their implications to the EAC. Another subject of discussion was the Framework Agreement (FA) signed between the EAC and the European Union (EU). A joint communiqué was issued at the end of the seminar to reiterate the support of National Assemblies on the need to deepen and widen the integration process in an expanded EAC. There was a follow-up on the previous resolutions of the previous three seminars, progress made towards achieving the targets and their implementation status.

**Mr. Speaker, Sir,**

A statement by the Kenyan delegation was delivered to the participants at the seminar on 1<sup>st</sup> October, 2008 by the Leader of the delegation. The statement expressed appreciation to the EAC Partner States for supporting Kenya during the post- election conflict. Participants were reminded to revisit the Mission and Vision of the EAC on regional cooperation and development. It further noted that there was a need to shift from an earlier development paradigm to a new one that seeks to deepen regional integration of

EAC, enhance production, competitiveness and promote rapid capital development as well as facilitate rapid human capital development for the interest of the people.

Moreover, the statement called upon EAC, National Parliaments of the EAC Partner states, and the EALA to avoid duplication and disjointed approaches to regional cooperation and integration. Common enemies of the region were identified as poverty, global marginalization and underdevelopment. It was noted that "...parliamentarians ... must provide the necessary political will, resources and political drive to pursue regional integration as the best strategy to benefit the people of this region."

In conclusion, it was noted that the ongoing negotiations on the EAC Common Market were a matter of interest to all parliamentarians. Participants were thus urged to enhance their involvement and participation in relevant Parliamentary Committees at both the regional and national levels so as to achieve proactive harmonization of policies, laws and systems as well as build synergies and ownership of the process toward synergic congruence.

## **MEMBERSHIP**

The delegation comprised the following Members of Parliament:-

- (i) The Hon. Musikari Kombo, MP – Leader of the delegation
- (ii) The Hon. Shakeel Shabbir, MP,
- (iii) The Hon. Lukas Chepkitony, MP
- (iv) The Hon. Sophia Abdi Noor, MP
- (v) The Hon. Fredrick Outa, MP
- (vi) The Hon. Elijah Lagat, MP
- (vii) The Hon. Victor Kioko Munyaka, MP
- (viii) The Hon. Joseph Magwanga, MP
- (ix) The Hon. Ali Hassan Joho, MP
- (x) The Hon. Peter Edick Omondi Anyanga, MP
- (xi) The Hon. Wilson Mwotiny Litole, MP

The delegation was accompanied by;

Mr. Daniel Mutunga - Secretary to the delegation

Mr. Stephen Mutungi - Hansard Editor

**Mr. Speaker, Sir,**

The delegation wishes to record its appreciation to you for the opportunity you accorded it to participate in the seminar. The Members are also grateful to the Clerk of the National Assembly for the facilitation both logistical and financial. The delegation also extends its appreciation to the role the East Africa Legislative Assembly played in organizing this seminar which was a success and for also ensuring that the Members were comfortable during their stay in Kigali, Rwanda. The Members also wish to pay special tribute to the Clerk of EALA for all the logistical support given to the participants while in Rwanda.

Sir, it is our pleasant duty and privilege, on behalf of the Kenya delegation to the Nanyuki IV seminar, to table this report and commend it to the House for adoption, pursuant to provisions of Standing Order 162.

I thank you.



Signed: .....

**Hon. Musikari Kombo, MP – Leader of the delegation**

Date..... 17/2/09 .....

## ACRONYMS

ACP:	African Caribbean and Pacific countries
CBOs :	Community Based Organizations
CET :	Common External Tariffs
EAC :	East African Community
EALA :	East African Legislative Assembly
EACT :	East African Court of Justice
EADB :	East African Development Bank
ECOWAS :	Economic Community Of West African States
EPA :	Economic Partnership Agreement
EU :	European Union
FA:	Framework Agreement
GATS :	General Agreement on Trade in services
NA :	National Assemblies
NGOs :	Non-Government Organizations
NTB:	Non-Tariff Barrier
WTO :	World Trade Organization

## **1.0 INTRODUCTION**

### **1.1 Background**

The East African Legislative Assembly (EALA) is one of the seven organs of the East African Community (EAC), being its legislative and oversight arm. Its current membership is 52 regional parliamentarians, 9 from each of the five Partner States of the East African Community. Under the provisions of Article 49 of the Treaty for the Establishment of The East African Community, the EALA is required, among other things, to liaise with the National Assemblies of the EAC Partner States on matters relating to the Community. However, because of the absence of a prescribed form in which the consultation is to be done, the EALA, in its wisdom, devised the annual “inter-parliamentary seminar”, popularly known as the Nanyuki Seminar Series. The first seminar was held in Nanyuki, Kenya. Subsequent seminars were held in Entebbe, Uganda and Dar es salaam, Tanzania.

For the last three years, EALA has been conducting these annual inter-parliamentary relations seminars involving all the EALA Members and Staff, MPs from the National Assemblies on the Committees of Trade and Foreign Affairs. More recently, the seminars have involved Parliamentary Committees responsible for Health as well as EAC Secretariat officials. The issues discussed have been those which are deemed to be of great importance to the region and emergent proposals for joint efforts to tackle the challenges that the EAC faces. These seminars are therefore an initiative of the EALA intended to strengthen the functional relationship and existing structures for communication and information exchange between the East African Legislative Assembly as the regional legislature and the five National Assemblies of Kenya, Uganda, Tanzania, Burundi and Rwanda.

The fourth Nanyuki Seminar was held in Kigali, Rwanda, from 1<sup>st</sup> to 3<sup>rd</sup> October, 2008 on the theme “*EAC from Customs Union to the Common Market: Prospects and Challenges*”. The recently signed Framework Agreement (FA) between the EAC and the EU was also discussed. The outcome of the seminar was a joint communiqué THAT reiterated the support of National Assemblies on the need to deepen and widen the integration process in an expanded EAC. Further, action plans detailing the responsibilities of the National Assemblies in the process were also adopted. A follow up was made on the previous resolutions and action plans adopted at the previous three seminars with a view to reviewing progress and as a means of consolidating all achievements realized to date.

### **1.2 Seminar Objectives**

As noted above, the overall objective of the Nanyuki Seminars is to strengthen the functional relationship between the EALA and the National Assemblies and to widen and deepen knowledge of the EAC and the integration process. Specifically, the Nanyuki IV was designed and structured to:

1. Provide an opportunity for the EALA to brief new Members of the National Assemblies of the EAC Partner States on the progress made in the integration process of the EAC and the role of the EALA in that process.



2. Chart a way forward/ action plan on the perceived priority areas of action and agree on how the EALA and the National Assemblies can best improve their functional relationships.
3. Provide an opportunity for Members of Parliament to be briefed on and to discuss the implications of the EPAs for the region.
4. Enable the EALA to bring about relevant positive changes within the operations of the Assembly.

### **1.3 Outcomes**

At the end of the seminar the following outcomes were registered:

- The Members of the National Assemblies were provided with an opportunity to appreciate the progress made so far in the integration process of the EAC.
- There was an increased knowledge about the EAC, its organs and institutions including the EALA.
- An action plan was developed on the critical areas that require action/joint action by EALA and National Assemblies.
- Members of Parliament appreciated the need for EPAs but questioned the lack of participation of key stakeholders and registered concerns about some of its unfavorable conditionalities.
- Members called on all stakeholders to work together with the EALA for the common good of the EALA, the EAC and the citizens of East Africa.

### **1.4 Participants**

The seminar was officially opened by the President of the Republic of Rwanda, His Excellency Paul Kagame. It was attended by 170 participants from the EALA and from the relevant Committees of each National Parliament of the EAC Partner States. These participants also included a few invited Members from EAC Secretariat, from the ECOWAS Parliament as well as a few invited guests from other institutions. The list of participants, program and a Concept Note are attached as Annexes 1, 2 and 3 respectively.

### **1.5 The Theme of the Seminar**

The Nanyuki IV Seminar that was held in Kigali had the following theme: *“East African Community from Customs Union to the Common Market: Prospects and Challenges”*. This report contains a summary of issues discussed, highlighting progress, challenges, opportunities and the future prospects.

## **2.0 HIGHLIGHTING OF THE OPENING SESSION**

The opening ceremony was presided over by the Speaker of the EALA, Hon. Abdirahin Abdi who welcomed the guest of honor His Excellence President Paul Kagame and other important dignitaries. The official opening ceremony was pushed forward to the afternoon of the first day in order to accommodate the President who had arrived from a US trip that very morning.

## **2.1 The EALA Clerk: Introductory Remarks**

The Clerk started by welcoming the Members and invited guests to the Fourth Nanyuki Seminar. He went on to highlight a few changes in the program. He further noted that most of those who had been invited did, in fact, come and requested Heads of National Delegations to be seated at the high table and make statements one after another.

## **2.2 Statement by Heads of Delegation**

### **2.2.1 *The Kenyan Delegation***

The statement by the Head of the Kenyan Delegation was delivered by Hon. Shakeel Shabbir Ahmed. He started by thanking the EAC Partner States for supporting Kenya during the post- election conflict. He reminded participants to revisit the Mission and Vision of the EAC on regional cooperation and development. He further noted that there was a need to shift from an earlier development paradigm to a new one that seeks to deepen regional integration of EAC, enhance production, competitiveness and promote rapid capital development as well as facilitate rapid human capital development for the interest of the people.

Moreover, he called upon the EAC, National Parliaments of the EAC Partner states, and the EALA to avoid duplication and disjointed approaches to regional cooperation and integration. He identified the common enemies of the region as poverty, global marginalization and underdevelopment. He further noted that "...as parliamentarians, we must provide the necessary political will, resources and political drive to pursue regional integration as the best strategy to benefit the people of this region."

He concluded by noting that the ongoing negotiations on the EAC Common Market were a matter of interest to all parliamentarians. He urged them to enhance their involvement and participation in relevant Parliamentary Committees at both the regional and national levels so as to achieve proactive harmonization of policies, laws and systems as well as build synergies and ownership of the process toward synergic congruence.

### **2.2.2 *The Ugandan Delegation***

The Uganda statement was made by Hon. Al Has Lule Mawiya. He started by thanking the organizers for inviting the delegation to the Seminar and congratulated the new EALA Members from Rwanda and Burundi, whose membership in no doubt will energize the Community in moving to even greater heights. He urged EAC Partner States to see to the implementation of the resolutions arrived at Nanyuki Seminars in order to accelerate the integration process. He noted the need to fast-track the political federation in order to reach the integration process within the timeframe stated i.e. 2013. He emphasized that Rwanda's move to allow trained labor to move freely in the Community should be applauded.

Hon. Mawiya reminded Members of the need to sustain and consolidate regional integration achievements, promote effective utilization of the shared resources and promote the development of common projects as well as strengthen the agricultural sector, the backbone of the EAC economies.

### *2.2.3 The Rwandan Delegation*

The statement from the Rwandan Delegation was made by Hon. Higiroy Prosper. He started by thanking the EALA for choosing Rwanda to host the Fourth Nanyuki Seminar in Kigali. He also pointed out that it was the first time for Rwanda to participate in the inter-parliamentary seminar of the EALA. He further observed that... "We are honored for this and we reaffirm our commitment to catch up with all the developments and to meet our partners' expectations and aspirations."

Regarding the establishment of the East African Parliamentary Institute for capacity building of parliamentarians and staff, he assured Members that the Rwandan Parliament would spare no efforts to make a close follow-up in order for the proposed Institute to bear fruits. He further assured the delegates that Rwandan Parliament looks forward to adding value to the EALA activities as a way of consolidating the EAC. Hon Prosper called upon all the parliaments of the region to play their respective roles in encouraging their governments to avoid duplication of efforts by participating in parallel regional economic communities.

### *2.2.4 The Burundi Delegation*

The Leader of the Burundi Delegation thanked the EALA for inviting them to the Fourth Nanyuki Seminar. He noted that this was the first time that Burundi was participating in the inter-parliamentary seminar of EALA. He further noted that the seminar was an important avenue for Members to discuss the progress and challenges of the EAC in general and those of the EALA in particular. He assured the Seminar participants that Burundi looks forward to working with the EALA and the EAC. He concluded by wishing Members productive seminar deliberations.

### *2.2.5 The Tanzanian Delegation*

The statement by the leader of delegation from Tanzania was made by Hon. Zuberi Ali Maulid. He began by thanking the Seminar organizers for inviting the Delegation to the Seminar. He further acknowledged the crucial importance of the Nanyuki Seminar series. He noted that these seminars facilitate the promotion of the Members' understanding and appreciation of the EAC integration process, progress, challenges and the way forward. He impressed on the Members to acknowledge the fact that the principal beneficiary of the integration efforts was ultimately the East African citizens.

Commenting on the Seminar's theme, he noted that it came at the right time when the integration process was expanding and the public perception towards the EAC was improving. Hon. Maulid reminded the Members that the time had come to critically review what has been achieved so far and the challenges ahead. He concluded by emphasizing the urgency for reviewing the EAC Treaty in order to allow for direct elections of East African Legislative Assembly Members so that they would become accountable to well defined constituencies and hence, thus, as a consequence be able to promote awareness to the public.

### *2.2.6 The ECOWAS Delegation*

The Statement of the ECOWAS Delegation was made by Hon. Yormie Johnson. He began by expressing gratitude to the EALA and to the Rwandan Government for the warm welcome and hospitality. He further acknowledged that the ECOWAS Delegation was in Kigali primarily to learn from the EALA experiences and best practices.

He further noted that the idea of establishing regional communities in Africa was in response to the challenges of the small markets of individual countries. Regional communities enjoy economies of scale, greater investment opportunities and larger markets. He reminded participants that the ECOWAS is composed of 15 Partner States of Anglophones, Francophone and Lusophone countries, each reflecting a different colonial heritage. Hon. Johnson informed the Seminar participants that the ECOWAS Parliament was in a process of transition, which was scheduled to end in 2010. Its mandate would then be transformed from that of an advisory role to that of a legislative role and would be directly elected.

He also pointed out that despite its initial limitations, the ECOWAS parliament has been engaged in a number of topical subjects which have resulted in Parliamentary Resolutions and Recommendations to the Authority of Heads of State and Government of ECOWAS. It has also played a critical role in the establishment of peace in the sub-region, particularly in the Mano River Region, Guinea and most recently, in Togo. The ECOWAS parliament looks forward to strengthening relations with EALA. He wished the Seminar participants productive deliberations and promised to invite an EAC member as the top guest speaker during the inauguration of the ECOWAS Parliament in 2010.

### *2.2.7 Statement by the Speaker of EALA*

The speaker of EALA Hon. Abdirahin Abdi introduced His Excellence President Paul Kagame. He expressed great gratitude to His Excellence for officially opening the Nanyuki Seminar. He went on to give a short history of the Nanyuki Seminar series and its critical importance in promoting inter-parliamentary relations. He noted that the issues for the Seminar discussions were largely informed by developments in the EAC. Views, ideas and opinions were to be sought from MPs of EAC Partner States and from the EALA.

Hon. Abdi decried the practice whereby regional integration negotiations were undertaken by the executive branch without adequate consultations with their respective Parliaments. He urged EALA to openly challenge this mistaken strategy and suggested that there was an urgent need to fully involve the Members of EALA and those of National Parliaments from the start to the end.

He further urged the Seminar participants to propose ways in which parliaments could be involved in all major decision-making of the EAC. He concluded by observing that the EALA had invited a delegation from ECOWAS as a sign of bilateral networking with sister regional parliaments. He expressed hope that this gesture would signal a formalization of such relationship in the near future.

### 2.2.8 *Address by the President of the Republic of Rwanda*

The Fourth Nanyuki Seminar was officially opened by His Excellence President Paul Kagame. He started by welcoming all foreign Seminar participants to Rwanda. He further noted that the theme for discussion i.e. "*East African Community from Customs Union to the Common Market: Prospects and Challenges*" was not only timely but was quite an important subject matter for our Parliamentarians to deliberate. He also observed that this particular Seminar was very important as it introduced the Rwandan and Burundi Members to one of the EAC Community's major activities. He also acknowledged the idea of inviting ECOWAS delegation as a mature gesture of Pan-Africanism.

President Kagame further observed that the regional integration process deserved a critical reflection and pointed out that integration efforts globally were at different phases in different regions. However, he noted that each region faced different challenges. These differences stemmed from the fact that even though the benefits of regional integration were generally known, very often, the execution of a regional project tended to stall due to different levels of political commitment.

He further observed that regional integration cannot be taken for granted, even when it had shown remarkable signs of success in East Africa. The process, he counselled, called for constant nurturing, and it also needed champions – and most of all, it required to be owned by citizens of Partner States who constitute the ultimate beneficiaries of regional integration.

He appealed to the five National Assemblies of East Africa, together with the East African Legislative Assembly, to play a vital role in determining the type of Community to build. The Community's interests must necessarily rise beyond those of individual national interests. He concluded by noting that National Parliaments and EALA were duty-bound to inform, educate and persuade their constituencies on the common good of the East Africa Community.

## 3.0 SUBSTANTIVE PRESENTATIONS

### 3.1 **Developments in the East African Community: An Overview**

The presentation was made by Ambassador Julius Onen, the Deputy Secretary General Projects and Programs, at the EAC. It was chaired by Hon. Mike Sebalu. The presentation sought to highlight EAC progress, challenges and the future prospects. The progress made included:

- The facilitation of the rebuilding of commitment and confidence among the EAC Partner States.
- The establishment of the key organs and institution of the Community, i.e. the Secretariat, East African Legislative Assembly and the East African Court of Justice as well as EAC Institutions such as the East African Development Bank, East African Business Council, Lake Victoria Fisheries Organization and the Lake Victoria Basin Commission.
- The enlargement of the membership of the EAC to include Rwanda and Burundi.

- The appointment of the Ministers solely responsible for the EAC affairs.
- The implementation of a number of regional projects and programs which are at various stages of implementation such roads, railways, energy, telecommunication, and civil aviation; and the Lake Victoria Development Program.
- The development of various regional projects in the social sectors, including collaborative programs in health, culture, education, science and technology.
- The launching of a process to fast-track the political federation of East Africa.

The presentation also highlighted challenges that the EAC was facing. The challenges included the following:

- EAC Partner States tend to be pre-occupied more with national issues and national interest than with regional integration issues and perspectives.
- The Secretariat tended to be pre-occupied with undertaking studies and preparing reports at the expense of implementing visible, high impact regional projects and programs and this was decried.
- There was tardiness in the re-branding of the EAC, its mission, vision, and programs in order to create public awareness, ownership and popular legitimacy of the regional integration process and concern was expressed over this.
- The concentration of decision-making processes and implementation in the bureaucracy of Partner States on key issues regarding regional integration was disparaged.
- Concern was expressed about the over-dependency on development partners to finance regional integration projects and institutional capacity building.
- The peripheral participation of key stakeholders such as the private sector and civil society organizations in the integration process was highlighted.
- Concern was expressed concern over the tardiness in reviewing the EAC Treaty in the wake of enhanced mandates and the expansion of EAC membership.

Finally, the presentation challenged the Seminar participants to discuss and make recommendations on the way forward by highlighting the following issue areas:

- Recommendations on how best to realign EAC organs and institutions to facilitate speedy decision making.
- Recommendations of amendment on the EAC Treaty and suggest their implications on relevant organs.

### **3.2 Functional Relations: EALA and National Assemblies**

The presentation was made by Hon. Lydia Wanyoto-Mutende. The presentation started by providing a background to the Nanyuki Seminar series. The purpose of these seminars was stated to include:

- To operationalize Article 49(2) of the Treaty for the Establishment of the East African Community.
- To improve channels of reporting by EALA members to the National Assemblies and vice versa in accordance with article 65 of the Treaty.

- To improve communication between the EALA and National Assemblies.
- To enhance joint efforts to deepen, widen and hasten integration.

The presentation further highlighted important recommendations that were made at the three previous Seminars. They included recommendations:

- To establish effective and efficient communication and reporting mechanisms between the EALA and the National Assemblies of the Partner States of the EAC.
- To adopt innovative outreach programs to promote the EAC integration process.
- To establish and strengthen the legislative, oversight and representation functions of the EALA that have clear linkages to those at national levels.
- To institutionalize the Nanyuki Seminar Series.
- To establish and consolidate formal mechanisms or following up resolutions of the institutionalized Nanyuki Seminar Series.
- To give leverage for Partner States to augment resources for the EALA.
- To establish Standing Committees in Partner States Parliaments responsible solely for the EAC affairs.
- To establish a harmonized protocol status for the EALA Members at national level.
- To strengthen and streamline the EAC institutional framework with clear linkages to those at the national level.

The presentation further discussed progress made in implementing the resolutions adopted by the three previous Seminars. It noted that:

- The relations between the EALA and National Assemblies were cordial although this characterization of the relations was challenged for being short on content and long on diplomatic and flowery language.
- Each Partner State had set up a ministerial portfolio solely responsible for EAC Affairs.
- The EALA continues to undertake outreach activities such as country tours, public hearings, public rallies, publicizing the EAC agenda and disseminating publications. In this respect, collaboration with National Parliaments has been enhanced.
- The EALA Members have been facilitated with an enabling working environment at national level. They have been facilitated with office space, pigeon holes and have been listed on the mailing list for National functions in their respective partner states

The presentation concluded by posing a number of questions which may help in strategizing on the way forward:

- What should be the ultimate interest and importance to the EALA and National Parliaments of the East African integration process? What should the EALA take a lead in? What should the EALA drive for? What ought to be the EALA's niche?
- How/in what respect does the EALA and National Parliaments gauge their space/mandate/positioning in the EAC integration process?
- What value addition does the EALA and National Parliaments want to input:

in each of the phases of the integration process? Where are the points and centers of entry? What would each of these phases lack in the event that the EALA and National Parliaments input is/was negated?

What are the “people centered” benefits and interests that the EALA can bring on the table?

- How do we consolidate and strengthen the gains made in re-directing the Inter-Parliamentary linkages so far established?
- What else can the EALA and National Parliaments do differently, creatively and innovatively to enhance visibility, space, urgency and interest in the EAC integration process that would realize tangible benefits to our people and cause them to yearn for the EAC integration?

The plenary discussions made the following observations:

- There was need for the implementation of projects with a regional dimension takes place within the national framework. There were no formal mechanisms of tracking and evaluating their respective performance. There was need, therefore, for Ministers of the EAC to keep an eye on these projects, ensure oversight and report to the EALA and other relevant organs accordingly.
- It was also proposed that there was a need to clarify the mission and vision of the EAC to include highly visible institutions that directly promote regional integration such as the East African Railways, East African Customs, and East African Revenue Authority, as was the case in the former East African Community.
- Complaints were raised to the effect that the presentation on “**Developments in the East African Community: An overview**” failed to do justice to the subject matter. It was therefore recommended that the EAC Secretariat submits to the EALA a comprehensive report highlighting progress, challenges and the way forward.
- It was further proposed that there is need to institutionalize the “East African Cultural Events Day” as one of the mechanisms for promoting regional integration and public awareness raising.
- It was further recommended that a reporting mechanism be established and institutionalized between the EALA and National Assemblies.
- Members wanted to know if evaluation studies have so far been done on the performance of the EAC Customs Union. It was suggested that there was a need for Members to be informed of the performance before embarking on the next integration phase.
- There was little information exchange between the EALA and National Assemblies e.g. Bills, time-tables, studies done, laws passed etc
- Projects and programs of the EAC needed to be zoned to show benefits of EAC
- It was further noted that the EALA Clerk should circulate EALA programs to National Parliaments.



### 3.3 Common Market Negotiations: Status and Challenges

The presentation on Common Market Negotiations was made by Mr. Dan Mayo and chaired by Hon. Patricia Hajabakiga. The presenter noted that having achieved the level of the Custom Union, the next step in the integration process envisaged in the EAC, is the implementation of the Common Market whose primary objective is the free movement of goods, persons, services and capital. The Draft Common Market Protocol presents each aspect and highlights possible challenges:

3.3.1 *Free movement of Goods:* The free movement of goods is addressed in the Customs Union stage through a removal of internal tariffs and non-tariffs barriers.

3.3.1.1 *Challenges:* There still remain challenges in this area that will have to be addressed before a Common Market comes into force. These include:

- Elimination of non-tariff barriers (NTBs)
- Harmonization of domestic taxes and excise duties and;
- Ensuring that internal tariffs are successfully eliminated before 2010

3.3.2 *Free movement of Capital:* In the context of cooperation under the EAC and as a result of economic reforms arising from unilateral actions and regional and multilateral trade agreements, there has been substantial liberalization of the flow of capital in the region. Exchange rates are market determined and all currencies are convertible.

3.3.2.1 *Challenges:* Most countries, except Uganda and Kenya still maintain controls on the capital account.

3.3.3 *Free movement of services:* Trade in services is an important sector in the Community. However, a common policy on trade in services is yet to be developed. The marginalization of the sector is further noticeable by its absence in the EAC Development Strategy 2006-2010.

3.3.3.1 *Challenges:* Trade in services is currently constrained in the Partner States by requirements of work permits and local incorporation imposed on service providers before operating.

3.3.4 *Free movement of persons/ labor:* The movement of persons within the Community is relatively free. Visa and visa fees have been waived for the citizens of the EAC Partner States traveling within the region.

3.3.4.1 *Challenges:* Movement of labor is limited by requirements of work permits. Moreover, eligibility of employment will be a function of:

- Being employed
- Having same conditions as nationals
- Being free from discrimination
- Being offered same assistance

3.3.5 *Freedom to provide and receive services*: The right to establishment means:

- The right to install oneself, to 'set up shop' in another Partner State permanently or semi-permanently whether as individual, a partnership or a company, for the purpose of performing a particular activity.
- To allow EAC nationals to engage in economic activities in a Partner State other than his own.
- A fundamental right based on non-discrimination on grounds of nationality and equal opportunity; and a right to provide and receive services

#### 3.3.5.1 *Challenges*

- Right to establishment is subject to derogation on the grounds of public policy, security and health.
- Non-nationals seeking to establish themselves or provide services in another Partner may not be able to satisfy the conditions laid down in that Partner State for the practice of the particular trade or profession which they may wish to exercise due to the conditions prescribed by the trade or professional bodies. These conditions are usually reinforced by law.

#### 3.3.5.2 *Recommendations*

Due to the above-mentioned challenges, the Draft Protocol proposes the following:

- The abolition of the existing restrictions on freedom of establishment and freedom to provide services to be achieved in progressive stages.
- The Council should draw up a program on the abolition of the restrictions on freedoms of establishment under Article 43 (2) and it should issue directives for mutual recognition of diplomas, certificates and other evidence of formal qualifications.
- Directives to be issued for the coordination of the provisions lay down by law, regulation or administrative action in Partner States concerned with the taking up and pursuit of activities as self employed persons, under Article 18(1).
- A general approach based not on harmonization, but on the mutual recognition of qualifications, and applicable not to individual professions but to all areas of activity for which higher education diplomas are required need to be adopted. The starting point ought to be higher education diplomas awarded on completion of professional education and training offered during a given number of years.

#### 3.3.6 *On the Right of Residence*

As stipulated in Articles 27 to 38, rights of entry and residence are applicable for both the worker and his family. The worker and hi/her family is entitled to the following:

- A residence permit which will be valid throughout the territory of the state which issued it.
- The permit must be valid for a given period and renewable
- The breaks in residence not exceeding six consecutive months shall not affect the validity of a resident permit

- The permit might not be withdrawn from a worker solely on grounds that he/she is no longer in employment
- Once in employment, a worker's right to reside in the state where he/she is employed is not dependant on possession of a residence permit.

The right of residence is a fundamental right under the Draft Protocol. It therefore means that neither a worker nor his family can be denied entry to, or deported from, a Partner State merely because they do not possess a valid residence permit. As long as the worker has a right of residence as a worker, he/she will be entitled to reside as long as he would have been entitled had he been in possession of a residence permit and as long as he/she is entitled to stay, his/her family will also be entitled to stay.

### 3.3.7 Horizontal Provisions

3.3.7.1 *Competition Policy*: The presentation noted that an effective competition policy was an essential requirement in any Treaty designed to create a single market. This is spelt out in Articles 80 to 82 of the Draft Protocol. The policy seeks to encourage economic activity and maximize efficiency by enabling goods and resources to flow freely amongst Partner States to the operation of normal market forces.

With regard to the Competition Policy, the Draft Protocol makes the following proposals:

- The enforcement of the policy was to be the responsibility of the Commission.
- Commission was to develop specific EAC competition rules.
- Competition rules were to be enforced through Court of Justice.
- There would be a need for national courts to apply EAC competition law.
- There is a need to protect cultural diversity and the environment.
- In a climate of slow economic growth and fierce competition, the EAC competition policy should show the necessity for distinguishing, in the application of that policy, between behaviour which leads to the development and restructuring of the EAC industry and behaviour which holds back that process by partitioning markets and strengthening domestic positions.
- As the community becomes more closely integrated, there would be more recognition of the need to promote economic efficiency to enable the EAC industry to compete more effectively in the world market/

3.3.7.2 *Commercial Policy*: The commercial policy envisaged under Articles 66 to 71 of the Draft Protocol has as its primary focus the harmonization of laws and procedures in Partner States which are essential to the optimum working of a Common Market. The Draft Protocol proposes that policies should facilitate rather than complicate transactions for the success of the Common Market. These policies should relate to tariff rates; trade agreements; export policies; and measures to protect trade, e.g. dumping and subsidies. Once the harmonization of the laws, regulations and procedures is achieved, Partner

States will then be able to formulate a uniform commercial policy towards third countries.

*3.3.7.3 Environmental policy:* The Draft Protocol sets out the Community's policy on the Environment in Article 110. It is based on three principles:

- Preventive action should be taken.
- Environmental damage be restricted at source.
- Polluters must pay.

*3.3.7.4 Transport Policy:* The Community's transport policy is essential in securing a structured and coordinated approach involving common rules to be followed within the territory of Partner States and rules governing non-resident carriers operating in the territory. The Draft Protocol proposes that a Transport Authority be established as one of the institutions of the EAC which shall co-ordinate transport policies, manage transport corridors, and ensure the effective implementation of the common transport policy.

Such an Authority will be able to source and access funding to finance the development and administration of efficient transport systems.

*3.3.7.5 Research and Development:* The Draft Protocol proposes that research and development (R&D) receives a high priority because it seeks to improve the competitiveness of the industrial sector in the Community. The Community will promote R&D by taking the following actions:

- Fostering cooperation between industry, research centers and universities.
- Fostering cooperation between community and third countries and international organizations.
- Facilitating dissemination of community research.
- Promoting training and mobility of researchers in the Community.

*3.3.7.6 Consumer Protection:* The Common Market will aim to protect consumers in order to ensure open, a fair and transparent market to give EAC consumers opportunity to exercise real choice, ensure rogue traders are excluded from the market by having specific policies on health and safety and protection of economic interest; e.g. policies to enable them to get value for money.

*3.3.7.7 Monetary and Economic Cooperation:* The Draft Protocol proposes that:

- Partner States will pursue stable prices, sound public finance and monetary stances and a sustainable balance of payment position
- The Community shall develop the criteria for monitoring these policies for approval by the council
- Community will monitor implementation of these policies.

*3.3.7.8 Roadmap to Economic and Monetary Union:* The Draft Protocol proposes that:

- Partner States will realign their exchange rates as a first step towards introduction of a single currency.

- An EAC Monetary Institute will be created to strengthen monetary cooperation and coordinate central banks' activities relating to the establishment of a single monetary system

3.3.7.9 *Statistics:* The Draft Protocol proposes a proper management of statistics in the Partner States. It acknowledges the fact that success in the implementation of community policies, projects and programmes; and especially the monitoring and evaluation of the same depends on the existence of timely, comparable and accurate statistics. Thus the Draft Protocol recommends the following:

- Partner States shall produce and disseminate coherent and comparable statistics.
- They shall develop and use: harmonized methods, definitions and classifications; and common programmes and procedures for organizing statistical work.
- The Council on advice by the Community shall issue a directive on cooperation in the field of statistics.
- There shall be a Statistics Directorate that will coordinate production and dissemination of Community Statistics.
- Common programs and procedures for organizing statistics are to be agreed at the Community level

3.3.8 *Proposed Institutional Reforms for the EAC Common Market:* The Treaty for the establishment of the East African Community and the Protocol on the establishment of the East African Customs Union are the basic foundations for negotiating the EAC Common Market Protocol. The need for institutional reform by reason of the advent of the Common Market was foreseen and provided for in Article 76(3) of the Treaty.

The institutional set-up requires the examination and review, particularly of the following:

- The size and composition of the EAC institutions
- The decision-making processes by the institutions
- The mandate and jurisdiction of the Secretariat, the Court and the EALA.

3.3.8.1 *Structure of the Secretariat:* The following was proposed concerning the structure of the Secretariat:

- Institutional reforms ought to be integration-level driven
- Secretariat ought to be converted to a Commission headed by a President
- The President was to be elected by fellow Commissioners, and will be in office for five years.
- There will be five Commissioners appointed by Partner States as International Civil Servants who will hold office for five years and renewable.
- Commissioners will have specific roles and executive authority over specific directorates and their appointment subject to Assembly approval

3.3.8.2 *Functions of the Commission:* As part of the implementation of the subsidiarity principle, Partner States need to cede specific sovereignty from the Council to be administered by the Commission. With regard to the functions of the Commission it is proposed that the Commission should:

- Initiate all proposals requiring Council decision thereby ensuring that the Commission is the engine of integration.
- Ensure distinct differentiation at functional level as a multinational bureaucracy.
- Monitor applications of the Treaty and Protocols of the Community
- Exercise executive authority to ensure that decisions of the Community are implemented.
- Prosecute in the Court of Justice persons violating the provisions of the Treaty and its Protocols
- Administer finances of the Community
- Represent the Community in negotiations with third parties

3.3.8.3 *Funding of the Commission:* Article 132(4) of the Treaty provides for equal contribution by the Partner States to the budget of the Community. The Draft Protocol proposes that:

- Commission operations and programs are to be funded by contributions by Partner States assessed at 0.5% of previous year's GDP
- Development projects and programs are to be funded by a charge of 1.5% on total customs revenue
- Contributions by donors are to be deposited in the account and used as agreed with donors
- The level of contributions ought to be reviewed every three years
- A Development Fund in the form of basket funding from donors ought to finance Community projects and programs.

3.3.8.4 *The Council of Ministers:* According to the Draft Protocol, the Council of Ministers will:

- Retain its central decision-making authority in the Community under the proposed institutional reforms of the Community.
- Cede some powers to the commission and will have co-decision making powers with the Assembly.
- The Commission will now initiate policy proposals; and monitor the implementation of policies and programmes of community
- The Assembly to co-decide with Council on policy decision
- The Composition will be changing according to policy areas under discussion-no need for sectoral councils

3.3.8.5 *The Legislative Assembly:* It was proposed that the Legislative Assembly will:

- Perform functions as prescribed by the Treaty.
- Be involved in decisions on the strategic direction of the community.

- Have co-decision power with Council in the appointment of top posts of the Commission; exercise sanction relating to Partner States on the implementation of the “four freedoms”; acquire the extended mandate once elected by direct and universal suffrage.

3.3.8.6 *The Court of Justice*: According to the Draft Protocol, the expanded jurisdiction of the Court was envisaged and provided for under Article 27(2) of the Treaty. The need to expand the Court’s jurisdiction is due to the advent of the Common Market and the admission of Rwanda and Burundi to the community. The following are proposed as the Court’s jurisdiction:

- Should have jurisdiction over acts of the EAC
- Should have supreme authority on all matters of Community Law
- Has jurisdiction on matters of human rights
- Has jurisdiction on arbitration issues
- Should be the Court of both First Instance and Appellate Court
- Should be the Final Court of Appeal

3.3.8.7 *Development Fund*: The Development Fund to be established will finance the following activities:

- Economic infrastructure
- To be funded by a charge on customs revenue every year for a specific period
- Managed by EADB, or as may be decided by Council
- To serve as seed money for funds to be solicited from development partners

#### **3.4 The Role of National Assemblies in the Successful Conclusion of the Common Market Protocol**

The presentation was made by Hon. Yonasani Kanyomozi, a former EALA Member and chaired by Hon. Janet Mmari. As a background to the topic session, Hon. Kanyomozi reminded Members that one of the objectives of the Treaty for the Establishment of the East African Community (EAC) is to establish among themselves in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation, in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States.

The presenter emphasized the critical role that the EALA and National Assemblies have to play in the regional integration process. The EALA was to be the eyes and ears of the general public. However, in order for EALA to effectively play that role, it was imperative that Members acquaint themselves with intricate issues relating to regional integration, in general, and the intricate issues relating to the specific phases of the regional integration process.

- At the Customs Union phase, for example, Members are expected to be well versed with a list of goods that are subject to duties; a list of “sensitive products” and the Common External Tariff, in order to ensure that relevant duties are phased out when the time comes. It is therefore important that Members in their

respective Assemblies are on guard at all times and monitor compliance by their respective Partner States.

- Under the Customs Union Protocol and Act, Members are also expected to monitor the removal of all non-tariffs barriers and to ensure that new ones are not clandestinely imposed by Ministers of Finance.
- All EAC Partner States belong to multiple regional integration schemes. Membership to different regional blocs leads to conflicting mandates and to duplication of policies and programs. It also imposes additional financial and administrative costs. It was recommended that National Assemblies support the proposal made earlier by the EALA for Partner States to voluntarily leave the relevant regional blocs, so that EAC can apply for membership as a group, if need be, to any of these organizations.
- The Trade Negotiations Bill has been debated and passed by the EALA and it has been waiting assent by the Summit. This is a great Bill. Once it becomes a law it will reduce the costs of overseas representation at WTO, GAT and EU and make the region's participation in such fora more effective. It was recommended that National Assemblies press for assent and domestication of the Bill so as to enable the Community to negotiate as a bloc.
- The presentation also brought to the attention of the participants salient features that were likely to be a source of contention in the integration process. These include, among others, inequitable distribution of costs and benefits and conflicting and competing national investment codes. Members were urged to encourage the establishment of a mechanism for equitable development, distribution of costs and benefits and the establishment of a regional investment code and the marketing of East Africa as a common investment destination.
- As the integration process advances toward the Common Market phase, Partner States will be expected to ensure a free movement of good, services, labor, capital and the right of establishment. Many citizens are likely to express lots of sensitivities, fears and anxieties over these cross-border movements. It was therefore recommended that National Assemblies work tirelessly to overcome these anxieties by sensitizing their respective constituencies about the benefits of regional integration, by ensuring that citizens participate in decision-making on matters of regional integration; and by ensuring that any national safeguard measures and laws are well publicized.
- Under the Common Market arrangements, the “four movements” will be facilitated, among other factors, by the use of National Identity Cards. The Governments of Tanzania and Uganda have yet to issue National Identity Cads. It was therefore recommended that respective National Assemblies impress upon their respective Government the need to speed up the process of issuing National Identity Cards.



- Under the Common market arrangements, there will be a need for the harmonization of macroeconomic policies among the Partner States in matters dealing with crucial parameters such as economic growth rates, price stability, inflation, current account deficits and budget deficits. It was recommended that National Assemblies should encourage their respective governments to establish common floors and ceilings on these parameters.
- In order to promote development for all, it is imperative that EAC seeks to promote democracy and a culture of peace and tolerance. It was recommended that National Assemblies should work toward the establishment of national and regional institutions that promote democracy, protect human rights and entrench a culture of peace and tolerance.

#### 3.4.1 Conclusion

In order for Partner States to create the right environment for the implementation of the Common Market, the presentation made the following observations:

- The National Assemblies should create functional linkages between Standing Committees which have similar functions so as to enable them to deal with issues that affect the integration process. The facilitation of these Committees should be sufficiently adequate to enable them to meet regularly and address the issues that touch on the Common Market.
- The Rules of Procedure in the National Assemblies should be amended so as to allow Members of EALA from Partner States to participate in debates in the House when the Ministers responsible for EAC present their reports. EALA Members need not sit in the formal chambers of NAs. Arrangements can be done so that they report to the committee of the Whole.
- Members of the National Assemblies together with EALA members should have joint outreach programmes where they can propagate issues related to the Common Market throughout the region so as to ensure the citizens understand what is at stake. It is through this sensitization that people will own the process and feel that they belong.
- National Assemblies should liaise closely with the EAC on projects that are of a regional nature and can bring tangible and direct results to the population so as to attract people's support. That way, the population will see the need for having a Common Market.
- The National Assemblies should have contact points at the EAC Secretariat in addition to functional committees of the EALA already mentioned above.
- The National Assemblies should strive to reach consensus with EALA and Partner States on all issues that will affect the Common Market so as to protect the interests of the Partner States and their citizens before the Protocol is signed.

- Attempts should be made to reactivate the Inter-Parliamentary Committee to enable Speakers, Clerks, the Secretary General and the House Business Committees to meet regularly to discuss matters in both National Assemblies and EALA that affect EAC and review issues related to Partner State cooperation and the integration process.

During the plenary discussions Members came up with more suggestions:

- That under the Common Market arrangements, there was need to reconfigure the institutional structures of the Secretariat
- That there was need for the committees of the EALA to be in a position to know the key issues from the Secretariat. It was argued that the EALA is permanently in the dark until the last minute
- That National Parliaments and the EALA have to fight for more space in the decision making process on matters relating to the EAC.
- That there is need for enhancing the EALA's decision-making role in EAC matters: the EALA inputs have often been ignored

### **3.5 Reconstruction of the Justice Sector after Genocide; Challenges and Opportunities**

The presentation was made by Hon. Karugarama Tharsice, Minister of Justice and the Attorney General of Rwanda and chaired by Hon. Janet Mmari. The presenter started by giving a brief political history of Rwanda prior to the 1994 genocide. He noted that Rwanda had no independent Ministry of Justice, and that most of the judges and magistrates who administered justice had not studied law. He further highlighted progress made by the Rwandan government from 2001 to the present. The following are some of the major institutional milestones:

- Separation of the Judiciary and Prosecution from the Executive.
- New structure of the Ministry of Justice/Attorney General's Chambers.
- Abolition of death sentence.
- Conditional release.
- Reduction of prison sentences.
- Ratification of international conventions.
- Abolition of torture and non-human treatment.
- Abolition of death penalty, discrimination against women, reduction of small weapons.
- Amendments of the constitution tenure of office
- Abolition of any racial discrimination
- Promotion of economic, social and cultural rights
- Draft law on penal code
- Establishment of funds to support/assist genocide survivors
- Establishment of Gacaca law amendment
- Launching of the institute of legal practice

He further highlighted on on-going reforms in the Judicial Sector. They include:

- Support to the Judiciary in order to become a credible and performing institution.
- Improvements in transparency, speedy trials and efficiency in justice administration.
- Sustained advocacy of the rule of law and independence of the Judiciary.
- Completion of the Gacaca process.
- Management of genocide litigation after Gacaca process.
- Reduction of the number of prisons and modernizing them.
- Reduction in the number of prisoners.
- Build capacities of the “Abunzi” (mediation committees) that resolve minor cases

Challenges encountered in the implementation of those reforms include the following:

- How to deal with the abuse of the principle of universal jurisdiction as exercised by certain European Judges.
- How to effectively deal with the Report of the Commission of Inquiry into the role of France in the 1994 genocide

### **3.6 Economic Partnership Agreements: Implications for the EAC**

This was the last session. It was chaired by Hon. Catherine Kimura. The presentation was made by Dr. Francis Mangeni. As a background to the topic, Dr. Mangeni pointed out that the Economic Partnership Agreement (EPAs) were between the European Union and the seven regional groups of African Caribbean and Pacific countries (ACP). He noted that the EU considers itself to be in a position to once again mould the developing world in its own image, and to negotiate itself into a permanent preferential place that assures its continued influence in order to secure an edge over other competitors for resources, services and goods markets, and geographical reach.

On the nature of EU-EAC negotiations strategies the presenter pointed out the following structural problems:

- That governments in Africa in general and those in East Africa, in particular, are not united, despite the African Union, and that they continue to lack a global negotiations strategy to inform Africa’s relations with the rest of the world, with Europe, and indeed with the emerging powers such as China and India that seek Africa’s natural resources.
- That the African continent lacks the requisite organizational capacity to rally all African governments to common continental positions to which they all adhere in international trade relations with the EU and other key partners.
- That most of African governments are so weak that they are hardly poised to deal with external threats to the social economic development and the independence of the people.
- Just as in the past, Africans can still be pushed into inequitable deals, and the people are betrayed, with impunity.

The EPA framework that was initiated by EAC Partner States has the following far-reaching economic implications:

- The EU has successfully introduced in EPAs the controversial Singapore issues rejected at the WTO, namely government procurement, investment and

competition. Other issues introduced include labor standards, electronic commerce, liberalization of the capital account, higher standards of intellectual property protection, environment and sustainable development.

- Negotiations are continuing for comprehensive EPAs. The negotiators who negotiated the interim EPAs are the same negotiators for the comprehensive EPAs. A likelihood of the same mistakes being made is quite high, particularly as there has hardly been any acknowledgment of wrong-doing or even mistakes. The same processes are in place, and continue to be more or less exclusive, keeping out wider stakeholder participation. Some executives continue to be gullible, without a sense of history and responsibility for the future, and refuse advice. African regions remain divided, each goes it alone. Inequitable deals can still be expected.
- Once in force, EPAs will introduce a different paradigm in accordance with the new rules requiring elimination of tariffs on imports from the EU, preferential treatment for EU services providers in the liberalized sectors, a raft of regulations and constrictions on public policy, among others. Without mitigating measures, government revenue may be affected due to elimination of customs duties and the prohibition of export taxes. Unfair competition from an increasing flow of subsidized products from the EU will have adverse implications for local industries, for employment and the tax base. Without proper sequencing and adequate safeguards for consumers, local services suppliers will be affected by the increasing entry of more aggressive service providers from the EU.
- ACP-EU relations have been strained, largely due to the division of the ACP groups into seven regions, and the hard tactics the EU negotiators have used in the negotiations. While this fact is widely known, the EU is now courting Africa, an Africa that has no strategy of its own on how to deal with Europe. The Joint EU-Africa Strategy is not the required African global strategy.
- Under the EU global strategy and the EU strategies for each of the world's regions, the EU is negotiating and entering FTAs with numerous other countries, including the advanced developing countries. Such FTAs, because they also give the same preferential access to the EU market, have the effect of eliminating the preference margins the EPAs are supposed to give to African countries. This means that Africa gets very little in return for the enormous and permanent concessions made under the EPAs.
- The EAC governments continue to be lukewarm about negotiating jointly as a bloc under a common mechanism. The fate of the East African Trade Negotiations Act passed in December 2007 seems uncertain as it has yet to be assented by all AC Heads of State.

In view of the above problems, the presenter made the following recommendations for immediate action in the EAC:

- Urged urgent measures to be taken to ensure wider stakeholder participation in the elaboration of negotiating positions, and in reaching final decisions on the agreements. In particular, negotiators should be accountable. This would require measures to be taken which could include a requirement that Parliaments approve the negotiating positions,

and the establishment of a regional consultative forum made up of the national trade committees and think tanks in the region.

- Urged for EAC Heads of State to speed up the assent and implementation of the East African Trade Negotiations Act in order to establish a legal mechanism for jointly undertaking negotiations for a comprehensive EPA.
- Urged for the need to involve trained negotiators who are determined to deploy every effort to passionately defend the people and the long term priorities of Africa.

#### 4.0 SEMINAR RECOMMENDATIONS

Participants drawn from the EALA, EAC Partner States Parliaments and the ECOWAS Parliament discussed several topics under the theme “EAC from Customs Union to Common Market”. Having received and discussed various presentations, participants made the following recommendations:

- (i) The East African Legislative Assembly (EALA) and National Parliaments in the EAC Partner States have not been adequately consulted in the on-going negotiations relating to establishment of the EAC Common Market. It is therefore recommended that wider consultations be made involving all National Parliaments and EALA with respect to current negotiations on the Common Market Draft Protocol.  
**Consultations should have been made by December 15, 2008.**
- (ii) Studies on the performance of the EAC Customs Union have not been widely made available to EALA or to the National Parliaments of the Partner States. It is recommended that both completed and on-going studies be urgently availed more widely before the conclusion of the negotiations of the EAC Common Market.  
**Studies ought to be availed to all concerned by 15 December 2008.**
- (iii) Participants of the Nanyuki IV expected to receive and discuss the Status Report on EAC from the Secretariat. They wanted to be appraised on the progress, prospects, challenges and the way forward. Unfortunately, this was not done. It is therefore recommended that the Secretary General’s Office prepare and transmit the same to EALA, which would then transmit the same to the respective National Parliaments.  
**The activity ought to be completed by November 30, 2008.**
- (iv) There is lukewarm political support of EALA by the EAC Secretariat reflected in the regular absenteeism of its top leadership at the Nanyuki series of Inter-Parliamentary Seminars. The lukewarm political support is also reflected in the less than satisfactory presentations by some of the representatives of Secretariat at these Nanyuki series of Seminars, with specific reference to presentations addressing some substantive issues. It is recommended that Ministers of East African Community Affairs be resident in Arusha, be given specific sectors to supervise and be required to provide effective political supervision at the Secretariat.
- (v) Reports from the National Parliaments of the Partner States have not addressed the implementation of Nanyuki recommendations making it difficult to assess the impact

of the recommendations. It is therefore recommended that a proper reporting mechanism of Nanyuki recommendations be institutionalized in the National Parliaments by establishing a Liaison Office responsible for EALA issues. **This should be implemented before the next Nanyuki Seminar.**

- (vi) The EAC Treaty has been in operation for almost eight years now. During this period, two more Partner States have joined, the scope and mandate of the Community has expanded, and new integration issues have come on the stream. It is recommended that EALA and National Parliaments review the Treaty and submit their amendments to the Secretariat.
- (vii) While it is clearly stated in the Treaty that the integration process in East Africa should be people-centered, there is an apparent lack of awareness of EAC and its activities among the citizens of East Africa. Lack of awareness poses a serious hindrance to popular support of the integration process. It is therefore recommended that the Members of EALA and National Parliaments be empowered to engage in awareness creation activities. **Support for this activity should be secured through a supplementary budget for the financial year 2008/9.**
- (viii) Throughout the Seminar period, some Ministers of EAC were conspicuously absent. So was that of the top leadership of the Secretariat. Their attendance in such meetings serves as one of the mechanisms for ensuing effective inter-organ relations. The full attendance of the Chair of the Council of Ministers is applauded. It is therefore recommended that the Chair of the Council of Ministers ensures that the Council of Ministers and the top leadership of the EAC Secretariat use such opportunities to enhance inter-organ functional relations.
- (ix) The organization of the Nanyuki Seminar Series is too dependent on donor support and generosity. This practice is both unsustainable and highly unpredictable. It is therefore recommended that these seminar series be incorporated in the annual EALA Budget.
- (x) There are few visible EAC projects to serve as practical evidence of the deepening and widening regional integration. In order to mobilize the public for the on-going regional integration process, there is a need to promote “quick-win” regional projects. It is recommended that funds be urgently mobilized in order to implement such projects.
- (xi) The EPA framework agreement initialed between EAC and EU is perceived to be a raw deal. It was poorly negotiated. It is recommended that respective national parliaments, EALA and other stakeholders engage EPA negotiators – Ministers and technocrats – in order to register their respective concerns before the final signatures. These concerns include matters relating to a Development Chapter, flexibility and exceptions in market access provisions, periodic reviews, specific reviews, dispute settlements, proper approach to the Singapore issues and relevant institutions. **This activity should be undertaken before June 2009.**

- (xii) Rapid development in East Africa calls for more South to South economic cooperation. South to South economic cooperation frameworks tend to be more advantageous than those with the West. It is recommended that the EAC evolves a strategic development cooperation strategy with other African regional economic communities as well as with emerging economies of China, India, and Brazil.
- (xiii) The East African Joint Trade Negotiation Bill will enhance the EAC negotiating capacity with the rest of the world. It is recommended that all EAC Partner States assent to this Bill and effect its immediate implementation.
- (xiv) Issue has been raised regarding EALA Elections. The current mode of elections for EALA Members conforms to the Treaty. Nevertheless EALA has sanctioned the Legal Committee to make wider consultations on this issue with a view to arriving at harmonized guidelines.
- (xv) There is a huge technological gap in the teaching and learning environments between our schools and those in the rest of the world. This situation marginalizes our future generations. It is recommended that a program of “One Laptop per Child” currently under implementation in Rwandan schools be adopted as a regional project with immediate effect. **The Chairperson of the Council of Ministers is requested to take up the matter with the Summit at its next meeting.**
- (xvi) EALA acknowledges and appreciates the vibrant participation of our sisters and brothers from the ECOWAS region. We recommend that this interaction be institutionalized by the Nanyuki Seminar.
- (xiv) It is proposed that the next Nanyuki Seminar should be convened in Bujumbura, Burundi.

## **5.0 CLOSING SESSION**

The closing remarks were made by Hon. Mukaruliza Monique. Before the closing ceremony, there was a plenary session where Hon. Mike Sebalu presented a summary of the main issues and challenges emanated from a three-day seminar as well as the proposed remedial activities which had emerged from the seminar. Thereafter, Hon Mukaruliza delivered her closing speech.

In her speech, she again thanked the Partner States in selecting Rwanda to host the seminar. She also urged the EALA and National Parliaments to put the interests of the general public at the centre of the Common Market negotiations.

She assured the Seminar participants that the Council will take on board all the recommendations of the Nanyuki Seminar. She concluded by welcomed all participants to find time to visit some of Kigali historic sites as well as some of the areas of beauty and splendour.



Annex I:

LIST OF PARTICIPANTS

- |   |   |   |
|---|---|---|
| 1. H.E. Biruta Vincent                    | - | President, Rwanda Senate  |
| 2. Hon. Abdirahin H. Abdi                 | - | Speaker, EALA   |
| 3. Amb. Marwa Mwita Matiko                | - | Amb. of Tanzania to Rwanda  |
| 4. Amb. Richard Kabonero                  | - | Amb. of Uganda to Rwanda  |
| 5. Amb. Alex Ketter                       | - | Amb. of Kenya to Rwanda   |
| 5. Senge Karonkano                        | - | Amb. of Burundi to Rwanda   |
| 6. Monique Mukaruliza                     | - | Min. for EAC Affairs<br>(Rwanda) and<br>Chairperson EAC Council of<br>Ministers |
| 7. Hon. Jaffah Amasson Kingi              | - | Min. of EAC Affairs, Kenya  |
| 8. Hon. Muhamed Abood                     | - | Asst. Min., EAC Affairs,<br>Tanzania  |
| 9. Hon. Kabourou, Aman (Dr)               | - | Member, EALA  |
| 10. Hon. Kamba, Sylvia Kate               | - | Member, EALA  |
| 11. Hon. Masha, Lwanyantika Fortunatus    | - | EALA  |
| 12. Hon. Mmari, Deo Janet                 | - | EALA  |
| 13. Hon. Masaburi, Didas (Dr)             | - | EALA  |
| 14. Hon. Mwinyi, Ali Hassan Abdallah      | - | EALA  |
| 15. Hon. Byamukama, Kanabahita Dora -     | - | EALA  |
| 16. Hon. Kidega, Dan                      | - | EALA  |
| 17. Hon. Dan Wandera Ogalo                | - | EALA  |
| 18. Hon. Mulengani, Bernard               | - | EALA  |
| 19. Hon. Muntu, Oyera Mugisha (Maj. Gen.) | - | EALA  |
| 20. Hon. Sebalu, Kennedy Mike             | - | EALA  |
| 21. Hon. Tiperu, Omar Nusura              | - | EALA  |
| 22. Hon. Wanyoto, Mutende Lydia           | - | EALA  |
| 23. Hon. Zziwa, Nantongo Margaret         | - | EALA  |
| 24. Hon. Akhaabi, Gervase                 | - | EALA  |
| 25. Hon. Kimura, Ngima Catherine          | - | EALA  |
| 26. Hon. Tsungu, Kwekwe Safina            | - | EALA  |
| 27. Hon. Lotodo, Chemonges Augustine      | - | EALA  |
| 28. Hon. Nakuleu, Christopher             | - | EALA  |
| 29. Hon. Karan, Otieno Clarkson           | - | EALA  |
| 30. Hon. Oyondi, Reuben Onserio           | - | EALA  |
| 31. Hon. Bonaya, Talaso Sarah             | - | EALA  |
| 32. Hon. Harelimana, Abdul Karim          | - | EALA  |
| 33. Hon. Hajabakiga Patricia              | - | EALA  |
| 34. Hon. Kayirangwa Claire                | - | EALA  |
| 35. Hon. Habumuremyi Pierre Damian        | - | EALA  |
| 36. Hon. Nyiramilimo Odette (Dr)          | - | EALA  |

37. Hon. Muhongayire Jacqueline	-	EALA
38. Hon. Nyirahabineza Valerie	-	EALA
39. Hon. Ndikuryayo Straton	-	EALA
40. Hon. Ndahiro James (Dr)	-	EALA
41. Hon. Bizimana Francois	-	EALA
42. Hon. Katabarumwe Regine	-	EALA
43. Hon. Ndarubagiye Leonce	-	EALA
44. Hon. Ngendakumana Issa	-	EALA
45. Hon. Nibitanga Georgette	-	EALA
46. Hon. Dr. Ntakarutimana Sabine	-	EALA
47. Hon. Nzobonimpa Manasse	-	EALA
48. Amb. Julius B. Onen	-	DSG (P&P) EAC
49. Hon. Wilbert T. K. Kaahwa	-	Counsel to the Community
50. Mr. Magaga A lot	-	Head, Directorate of Corp Comm. & Pub. Affairs
51. Ms. Jane Mbuya	-	Staff, EAC
52. Hon. Lule Mawiya	-	Parliament of Uganda/Leader of Delegation
53. Hon. Hood Katuramu	-	Parliament of Uganda
54. Hon. Jacqueline Kyatuheire	-	Parliament of Uganda
55. Hon. Rhoda Achan	-	Parliament of Uganda
56. Hon. Felix Okot Ogong	-	Parliament of Uganda
57. Hon. Silver Bahane	-	Parliament of Uganda
58. Hon. Joram Pajobo	-	Parliament of Uganda
59. Hon. Mary Sekiziyivu	-	Parliament of Uganda
60. Hon. Tanna Sanjay	-	Parliament of Uganda
61. Hon. Angiro Gutomoi	-	Parliament of Uganda
62. Hon. Jessica Alupo	-	Parliament of Uganda
63. Hon. Dennis Obua	-	Parliament of Uganda
64. Hon. Christine Bako Abia	-	Parliament of Uganda
65. Hon. Milton Muwuma	-	Parliament of Uganda
66. Hon. Dr. Lulume Bayiga	-	Parliament of Uganda
67. Mr. Ignatius Kasirye	-	Parliament of Uganda
68. Mr. Alfred Tugume	-	Staff, Parliament of Uganda
69. Hon. Yonasani Kanyomozi	-	Facilitator, Uganda
70. Mr. Mujuni M. Lawrence	-	Ministry of EAC Affairs, Uganda
71. Mr. Leonard Kwinga	-	Ministry of EAC Affairs, Kenya
72. Mr. Justus Kazungu	-	Ministry of EAC Affairs, Kenya
73. Hon. Musikari Kombo	-	Kenya/Leader of Delegation
74. Hon Ahmed Shakeel	-	Parliament of Kenya
75. Hon. Sophia Abdi Noor	-	Parliament of Kenya
76. Hon. Elija K. Lagat	-	Parliament of Kenya
77. Hon. Joseph O. Magwaga	-	Parliament of Kenya

78. Hon. Fredrick Outa	-	Parliament of Kenya
79. Hon. Wilson M. Litole	-	Parliament of Kenya
80. Hon. Munyaka Kioko	-	Parliament of Kenya
81. Hon. Lucas Chepkitony	-	Parliament of Kenya
82. Hon. E. O Anyanga	-	Parliament of Kenya
83. Hon. Ali Hassan Joho	-	Parliament of Kenya
84. Mr. Stephen Mutungi	-	Staff, Parliament of Kenya
85. Mr. Daniel Mutunga	-	Staff, Parliament of Kenya
86. Hon. Beatrice Shelukindo	-	Parliament of Tanzania
87. Hon. Ruth Msafiri	-	Parliament of Tanzania
88. Hon. Kabwe Zitto	-	Parliament of Tanzania
89. Hon. Zuberi Maulid	-	Parliament of Tanzania
90. Hon. Hassan Kigwalilo	-	Parliament of Tanzania
91. Hon. Masolwa C. Masolwa	-	Parliament of Tanzania
92. Hon. Godfrey Zambi	-	Parliament of Tanzania
93. Hon. Kigwalilo Hassan	-	Parliament of Tanzania
94. Mr. Said Yakubu	-	Staff, Parliament of Tanzania
95. Ms. Justina M. Shauri	-	Staff, Parliament of Tanzania
96. Ms. Nyanjira M. Mabu	-	Staff, Ministry for EAC Affairs, Tz
97. Hon. Higiros Prosper	-	Senator, Parliament of Rwanda/Leader of Delegation
98. Hon. Mukantabana Marie	-	Senator, Parliament of Rwanda
99. Hon. Karemera Joseph	-	Senator, Parliament of Rwanda
100. Hon. Munyakabera Faustin	-	Senator, Parliament of Rwanda
101. Hon. Gasamagera Wellars	-	Senator, Parliament of Rwanda
102. Hon. Rwigamba Balinda	-	Senator, Parliament of Rwanda
103. Hon. Ayinkamiye Speciose	-	Senator, Parliament of Rwanda
104. Hon. Kubwimana Chrysologue	-	Senator, Parliament of Rwanda
105. Hon. Munyabagisha Valens	-	Senator, Parliament of Rwanda
106. Hon. Mukabaranga Agnes	-	Senator, Parliament of Rwanda
107. Hon. Iyumba Aloysie	-	Senator, Parliament of Rwanda
108. Hon. Iyamuremye Augustin	-	Senator, Parliament of Rwanda
109. Hon. Kamanzi Seth	-	Senator, Parliament of Rwanda

110.	Hon. Kayuire Agnes	-	Senator, Parliament of Rwanda
111.	Hon. Nizurugero Rugagi Jean-		Senator, Parliament of Rwanda
112.	Mrs. Hope Kayibanda	-	Protocol, Parliament of Rwanda
113.	Mrs. Elizabeth Balinda	-	Protocol, Parliament of Rwanda
114.	Mrs. Christine Uwamariya	-	Protocol, Parliament of Rwanda
115.	Mr. Augustin Habimana	-	Staff, Parliament of Rwanda
116.	Mrs. Claire F. Semanyenzi	-	Staff, Parliament of Rwanda
117.	Hon. Ndikuriyo Reverien	-	Parliament of Burundi/Leader of Delegation
118.	Hon. Toyi Marie Therese	-	Parliament of Burundi
119.	Hon. Nyandwi Gerard	-	Parliament of Burundi
120.	Hon. Ntwayumuranga Cecile	-	Parliament of Burundi
121.	Hon. Ndayishimiye Etienne	-	Parliament of Burundi
122.	Hon. Nigane Marie	-	Parliament of Burundi
123.	Hon. Ntibasharwa Ruth	-	Parliament of Burundi
124.	Hon. Ndayizeye Francoise	-	Parliament of Burundi
125.	Hon. Ndarishize Louis	-	Parliament of Burundi
126.	Hon. Sorongo Yolande	-	Parliament of Burundi
127.	Hon. Kekenwa Jeremie	-	Senator, Parliament of Burundi
128.	Hon. Ngayabihema Phocas	-	Senator, Parliament of Burundi
129.	Hon. Ndayishimiye Adelaide	-	Senator, Parliament of Burundi
130.	Hon. Niyungeko Patricie	-	Senator, Parliament of Burundi
131.	Hon. Masabo Charles	-	Senator, Parliament of Burundi
132.	Mr. Ndikumasabo Daniel	-	Staff, Parliament of Burundi
133.	Sen. Yormie Johnson	-	Senator, ECOWAS Parliament/Leader of Delegation
134.	Sen. A Olurinnimbe Mamora	-	Senator, ECOWAS Parliament
135.	Hon. Habibou Sofara	-	MP, ECOWAS Parliament
136.	Hon. Salifou Dimfangodo Sawadogo	-	ECOWAS Parliament
137.	Hon. Georges Bada	-	ECOWAS Parliament
138.	Hon. Maria Da R. Lopes Da Silva	-	ECOWAS Parliament
139.	Hon. Manuel Serifo Nhamajo	-	ECOWAS Parliament
140.	Hon. Patric O. Asadu	-	ECOWAS Parliament
141.	Hon. Brima Mourie Kamanda	-	ECOWAS Parliament
142.	Hon. Salamatou Bala Goga	-	ECOWAS Parliament
143.	Hon. Moustapha Cisse Lo	-	ECOWAS Parliament
144.	Hon. Francis Agrey Agbotse	-	ECOWAS Parliament
145.	Mr. Ezekiel Fwangder	-	Protocol, ECOWAS Parliament
146.	Mrs. Isatou Combeh Njai	-	Staff, ECOWAS Parliament
147.	Mr. Adesina Sotuminu	-	Staff, ECOWAS Parliament

148.	Ms. Tine Hemelings	-	AWEPA
149.	Ms. Lucy Mathenge	-	SIDA, Kenya
150.	Justin Bundi	-	Clerk, EALA
151.	Kenneth Madete	-	Staff, EALA
152.	Alex Obatre	-	Staff, EALA
153.	Gloria Nakebu	-	Staff, EALA
154.	Alphaxard Lugola	-	Staff, EALA
155.	Stephen Mugume	-	Staff, EALA
156.	Winifred Kaliba	-	Staff, EALA
157.	Elizabeth Gitonga	-	Staff, EALA
158.	Loice Ampaire	-	Staff, EALA
159.	William Kamket	-	Staff, EALA
160.	Ezekiel Migosi	-	Staff, EALA
161.	Enoch Musiime	-	Staff, EALA
162.	Joseph Malesi	-	Staff, EALA
163.	Algresia Ogojo	-	Staff, EALA
164.	Emiliana Tuhoye	-	Staff, EALA
165.	Priscilla Amoding	-	Staff, EALA
166.	Abela Kamuzora	-	Staff, EALA
167.	Charlotte Kyomuhangi	-	Staff, EALA
168.	Jasmine Athumani	-	Staff, EALA
169.	Charles Kadonya	-	Staff, EALA

## Annex II: SEMINAR PROGRAM

### PROGRAMME

DAY	TIME	ACTIVITY	SESSION CHAIR
Tuesday 30 <sup>th</sup> Sept, 2008	All Day	Arrivals Check in Hotel & Registration	Clerk
Wednesday 1 <sup>st</sup> October, 2008	8.00 am – 9.30 am	Registration (Cont'd)	Clerk
<b>OPENING SESSION</b>			
	9.00 am – 10.30 pm	<ul style="list-style-type: none"> <li>• Welcoming remarks by the Speaker;</li> <li>• Statement by Chairperson Council of Ministers;</li> <li>• Statement by President, Rwanda Senate;</li> <li>• Official opening by H.E. Paul Kagame, President of the Republic of Rwanda.</li> </ul>	Hon. Speaker
	10.30 am – 11.45 am	<ul style="list-style-type: none"> <li>• Photo Session</li> <li>• <b>Health Break</b></li> </ul>	
	11.45 am – 12.45 pm	<ul style="list-style-type: none"> <li>• Statements by Leaders of Delegations Kenya, Uganda, Tanzania, Rwanda, Burundi and ECOWAS;</li> </ul>	
	12.45 pm – 2.00 pm	<b>Lunch Break</b>	
<b>SESSION ONE</b>			
	2.00 PM – 2.45 PM	Developments in the East African Community: An overview <ul style="list-style-type: none"> <li>• <b>Presenter:</b> Amb: Julius Onen, Deputy Secretary General Projects and Programmes, EAC</li> </ul>	Hon. Mike Sebalu
	2.45 pm – 3.30 pm	Functional Relations: EALA and National Assemblies.	

		<b>Presenter</b> Hon Lydia Wanyoto, EALA	
	3.30 pm – 5.00 pm	Plenary	
<b>SESSION TWO</b>			
<b>Thursday</b> 2 <sup>nd</sup> October 2008	9.00 am – 10.30 am	Common Market negotiations Status and Challenges  <b>Presenter:</b> Amb. Julius Onen, Deputy Secretary General Projects and Programmes, EAC	Hon. Patricia Hajabakiga
	10.30 am – 11.00 am	<b>Health Break</b>	
	11.00 am – 1.00 pm	Common Market Negotiations: Status and Challenges, Cont'd	
	1.00 pm – 2.00 pm	<b>Lunch Break</b>	
<b>SESSION THREE</b>			
	2.00 pm – 2.45 pm	The role of NATIONAL Assemblies in the successful conclusion of the Common Market Protocol.  <b>Presenter:</b> Hon. Yonasani Kanyomozi, Former Member, EALA	Hon. Janet Mmanjiri
	2.45 pm – 4.00 pm	Plenary	
		<ul style="list-style-type: none"> <li>Reconstruction of the Justice Sector after Genocide; challenges and opportunities.</li> </ul> <b>Presenter:</b> Hon. KARUGARAMA Tharsice, Minister of Justice and Attorney General of Rwanda.	
<b>SESSION FOUR</b>			
<b>Friday</b> 3 <sup>rd</sup> October, 2008	9.00 am – 9.45 am	Economic Partnership Agreements: (Implications for EAC)  <b>Presenter:</b> Dr. Francis Mangeni	Hon. Catherine Kimura

	9.45 am – 11.00 am	Plenary	
	11.00 am – 11.30 am	<b>Health break</b>	
<b>CLOSING SESSION</b>			
	11.30 am – 12.30 pm	<ul style="list-style-type: none"> <li>• Emerging Issues and way forward.</li> </ul> <p><b>Hon. Mike Sebalu</b></p> <p><b>Official Closing:</b></p> <ul style="list-style-type: none"> <li>• Minister for the East African Community Affairs, Republic of Rwanda.</li> </ul>	Speaker
<b>Saturday</b> 4 <sup>th</sup> October, 2008		<b>DEPARTURES</b>	



## **Annex III: A CONCEPT NOTE**

### **1.0 Background**

The East African legislative Assembly (E.A.L.A) is one of the seven organs of the East African Community (EAC). being its legislative and oversight arm. Its current membership is 52 Members, 9 from each of the five Partner States of the East African Community. Under the Provisions of Article 49 of the Treaty for the Establishment of the East African Community, EALA is required among other things to liaise with the National Assemblies of the EAC Partner States on matters relating to the Community. However, because of the absence of a prescribed form in which the consultation is to be done, EALA in its wisdom devised the annual “inter-parliamentary seminars” (popularly known as the Nanyuki series, the first seminar having been held in Nanyuki, Kenya) among others as one of the most practical means of fulfilling this mandate. Subsequent seminars were then held in Entebbe, Uganda and Dar es Salaam, Tanzania.

For the last three years, EALA has been conducting these annual inter-parliamentary relations seminars involving all the EALA Members and staff such as MPs from the National Assemblies on the Committees of Trade, Foreign Affairs and more recently the Committee responsible for Health as well as EAC Secretariat Officials. The issues for discussion are of great importance to the region and the emergent proposals for joint efforts to tackle challenges are discussed. These seminars are therefore an initiative of EALA to strengthen the functional relationship and existing structures for communication and information exchange between the East African Legislative Assembly as the regional legislature and the five national Assemblies of Kenya, Uganda, Tanzania, Burundi and Rwanda.

The EALA intends to hold another such seminar this year, in Kigali, Rwanda, from 1<sup>st</sup> to 3<sup>rd</sup> October, 2008. The proposed theme is: “*EAC from Customs Union to the Common Market: Prospects and Challenges*”. The recently signed Framework Agreement (FA) between the EAC and the EU will also be up for discussion. The expected outcome of this seminar is a joint communiqué which should reiterate the support of National Assemblies on the need to continue to deepen and widen the integration process in an

expanded EAC. Further, new action plans detailing the responsibilities of the National Assemblies in the process should also be adopted. Follow up will be made on the previous resolutions and action plans adopted at the previous three seminars with a view to reviewing progress and as a means of consolidating all achievements realized to date.

## **2.0 Justification**

This seminar will take place at a very critical point in time for almost all the parliaments including the newly inaugurated 2<sup>nd</sup> EALA, the newly elected MPs from Kenya, the Members from the newly admitted Partner States of the EAC namely Rwanda and Burundi, as well as the MPs of the 8<sup>th</sup> Parliament of Uganda who will be participating for the first time. As it can be noticed, the majority of the legislators in the region are new, yet the National Assemblies and EALA have the responsibility for legislating for the different stages of the integration process. This will therefore provide a rare opportunity for EALA to quickly expose the new Members to the workings of the Community and the challenges that lie ahead for both the National Assemblies and EALA.

On 27<sup>th</sup> November 2007, the EAC and the EU signed a Framework Agreement (FA) comprising of Trade in Goods/Market Access, Development Cooperation and Fisheries. The FA is deemed as the appropriate tool for ensuring non-disruption of trade between the EAC and the EU and also provides the mechanism for preservation and continuation of the negotiations between the two parties. The FA will apply provisionally from 1<sup>st</sup> January 2008 until 31<sup>st</sup> July 2009, when a comprehensive and full Economic Partnership Agreement (EPA) is expected to be signed. This agreement has far reaching implications with regard to trade and economic development issues generally for the EAC. However it should be noted that this agreement was mainly between governments with little or no input from Parliamentarians to be briefed about the details of this framework, its implications and the role of Parliaments and parliamentarians in the whole process in the context of their legal responsibility to ratify the EPAs Agreement.

The seminar is further aimed at promoting functional relations between EALA and the national Assemblies as envisaged in Article 49 of the Treaty for the Establishment of the

East African Community. The issues for discussion will lead to proposals aimed at resolving the challenges that afflict the EAC.

### **3.0 Methodology**

The seminar will target at least 185 participants drawn as follows: from EALA 67 (52 MPs and 15 Staff). 75 MPs from National Assemblies (15 from each), 5 Members of the House of Representatives – Zanzibar, 5 staff of the national Assemblies, 5 senior officials from the Partner States, the 5 Ambassadors of the Partner States, 10 Ambassadors of the region from Brussels and Geneva and 5 Resource Persons, 2 Rapporteurs and 5 officials from the EAC Secretariat.

Panel presentations will be made on topical issues to be followed by plenary discussions. The recommendations will culminate into a joint communiqué issued at the end of the seminar on which future action will be based. The presentations will focus mainly on the following topics: *From the Customs Union to the Common Market; Prospects and Challenges. The role of the Parliament in the process; Functional Relations between EALA and the National Assemblies; Economic Partnership Agreements; Implications for EAC; and Developments in the EAC; An overview etc.*

The seminar is expected to be facilitated by desk officers from the EAC Secretariat, Ministries of the EAC in the Partner States and MPs from the National Parliament of the Partner States.

### **4.0 Objectives**

The overall objective of the Nanyuki series is to strengthen the functional relationship between EALA and the National Assemblies and to widen and deepen knowledge of EAC and the integration process. Specifically the Nanyuki IV will be used as an opportunity to:-

1. Provide an opportunity for EALA to brief the new Members of the National Assemblies of the EAC Partner States on the progress made in the integration process of EAC and the role of EALA in that process.

2. Chart a way forward/action plan on the perceived priority areas of action and agree on how the next EALA and the National Assemblies can best improve their functional relationships.
3. Provide an opportunity for Members of Parliament to be briefed and to discuss the implications of the EPAs for region.
4. Enable the EALA to bring about relevant positive change within the operations of the Assembly

### **5.0 Expected Outcomes**

At the end of the three day seminar it is expected that:

- The members of the National assemblies would have been provided with an opportunity to appreciate the progress made so far in the integration process of the EAC. These issues should subsequently find their way on the agenda of National Assemblies.
- There will be increased knowledge about the EAC and its organs including EALA.
- An action plan developed on the critical areas that require action/joint action by EALA and National Assemblies.
- Members of Parliament will appreciate the need for EPAs and thus provide the necessary legislative facilitation that will be required.
- All stakeholders will work together with EALA for the common good for EALA and the EAC.