

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



LEGAL RULES COMMITTEE

**REPORT ON THE ASSESSMENT OF GOOD GOVERNANCE IN PARTNER
STATES FROM 1ST TO 5TH OCTOBER 2012**

Clerks Chambers
EAC Headquarters
EALA Wing, 3rd Floor

1.0 INTRODUCTION

The East African Legislative Assembly (EALA) is one of the Organs of the East African Community whose functions are enumerated in Article 49 of the Treaty Establishing the East African Community (Treaty). Pursuant to its functions and in particular the oversight function, EALA mandated the Legal Rules and Privileges Committee, to undertake an assessment on good governance and operationalisation of Article 6 (d) of the Treaty for the establishment of the East African Community.

Chapter Two of the EAC Treaty establishes principles of the Community. Good governance is one of the Fundamental and Operational principles of the Community as stipulated in Article 6 (d). Additionally, Article 3(b) requires adherence to good governance as a condition precedent to joining the EAC and 7 (2) of the Treaty obliges Partner States to abide by the operational principles of the Community which include the adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights.

The Committee also acquainted itself with several definitions of good governance, for example the UN definition has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

The EAC is working on a Good Governance Protocol which has seven (7) key pillars namely Constitutionalism, Rule of Law and Access to Justice; Protection of Human Rights and Promotion of Equal Opportunities; Democracy and Democratization process; Combating Corruption and enhancing Ethics and Integrity; Separation of Powers; Economic Governance; and Private Sector Development and Corporate Governance.

1.1 The activity on assessment of adherence to good governance principles in the Partner States as enshrined in the Treaty focused on the following objectives:

- a) To assess the existence and implementation of Partner States laws and policies that enhances good governance pursuant to Arts. 3(b); Art. 6 (d) and 7(2) and come up with the status report;
- b) Identify best practices on good governance; and establish and strengthen relationships between Partner States and EAC structures working on good governance;
- c) To sensitize the general public on EAC integration and in particular the mandate of EALA; and
- d) To establish relations with institutions and entities working on similar issues.

The Committee interacted with various institutions put in place by the Partner States to promote good governance. These include; The Inspectorate of Governments (Ombudsman), Directorates of Public Prosecutions, the Human Right Commissions, Courts of law, Auditor General's offices, the Electoral Commissions, the Ministries of EAC Affairs, the Police , Civil Society Organizations, the Equal Opportunities Commissions, the Law Reform Commissions, the Ministries of Justice, the Special Anti- Corruption Brigade, Ministry of Good Governance and Privatization, National Assemblies, the EAC Deputy Secretary General, Political Federation among others.

2.0 Methodology

During the visit in the Partner States, the Committee adopted the following methodology:-

- a) Held meetings with key stakeholders;
- b) Distributed questionnaires; and copies of questionnaires were left in the Partner States to allow stakeholders respond thoroughly and be forwarded to the secretaries of the Sub- Committees within two weeks.

- c) Carried out literature review of relevant documents including; the Human Rights Commissions' Annual Reports, Legislation including; Constitutions of the Partner States, the Anti-Corruption Acts and Statutory Instruments like The Political Parties and Organizations Acts, Reports of the Inspectorate of Governments, Annual Parliamentary Reports in the National Parliaments such as Annual reports from Auditors' General Offices and other relevant reports.

4.0 Composition of the Teams.

Republic of Burundi

1. Hon. Valerie Nyirahabineza – Chairperson
2. Hon. Jeremie Ngendakumana – Member
3. Hon. Hafsa Mossi – Member

Republic of Kenya

1. Hon. Fred Mukasa Mbidde – Chairperson
2. Hon. Pareno Judith – Member
3. Hon. Joseph Kiangoi Ombasa – Member

Republic of Rwanda

1. Hon. Peter Mutuku Mathuki – Chairperson
2. Hon. Abdul Karim Harelimana – Member
3. Hon. Christopher Bazivamo – Member

United Republic of Tanzania

1. Hon. Frederic Ngenzebuhoro – Chairperson
2. Hon. Abdullah Mwinyi – Member
3. Hon. Taslima Issa Twaha – Member

Republic of Uganda

1. Hon. Maryam Ussi Yahya – Chairperson
2. Hon. Dora C. Kanabahita Byamukama – Member
3. Hon. Daniel F. Kidega – Member

4.0 FINDINGS AND OBSERVATIONS

This is a summary; detailed reports are attached for further reference.

4.1 THE REPUBLIC OF BURUNDI

Human rights, Rule of Law

The Committee observed that progress has been made in the areas of justice and the rule of law in the Republic of Burundi.

The concept of Good Governance in Burundi started from the Arusha Peace and Reconciliation Accord of August 28th, 2000, in its Protocol I, chp.2, Article 5; and the Constitution of the Republic of Burundi of March 25th, 2005 in its Article 18(2) (2) puts the concept of Good Governance among the government s' guidelines; With this background, a number of good measures to promote Good Governance in Burundi have been put in place;

The government has put in place several Institutions to promote good governance and these include: the Ministry in Charge of Good Governance and Privatization, Auditor General, the Special Anti- Corruption Brigade, Anti- Corruption Court, the Accounts Court, Office of the Ombudsman, Burundi Revenue Authority (OBR), the National Independent Electoral Commission, and a Tribunal in charge of Prosecution of cases of embezzlement and corruption.

The Committee also observed that the government has built and rehabilitated nearly 90 local courts throughout the country in order to make the legal systems more accessible.

All the above institutions are funded by the State.

The Burundi government has also made considerable progress in observing the rights of its people. It has National Commission on Human Rights.

A law penalizing violation of Women Rights has been adopted to protect their Human Rights.

EALA Members held a meeting with the Parliamentary Committee on Justice and Human Rights and responded to the questions on laws, mechanisms and structures in place to promote Human Rights.

Best practices

Some of the practices to be emulated in the promotion of rule of law and human rights include;

- Establishment of a Ministry specifically for good governance and privatisation
- Replication of the stakeholders' Forum on Justice and Human Rights in other Partner States.
- Abolishing death penalty as a good practice in justice administration which can be replicated elsewhere.

Recommendations

The Committee noted that there is need to have a peaceful and secure Region and the Committee underscored the need to have strong institutions to facilitate implementation of fundamental principles; enshrined in the good governance principle.

The Committee recommends that the Burundian Parliamentary Committee on Justice and Human Rights makes a follow up on Article 65 of the Treaty where the Clerk of EALA transmits pertinent reports of its works to the Clerk of the National Assembly;

The Committee recommends that the Republic of Burundi follows up on ratification of the United Nations Convention on People with Disabilities, to allow that category enjoy their rights as other citizens;

Democracy and Political Rights

Burundi has made great strides in reforming its democratic and judicial systems, especially when compared to the civil war period, but challenges remain.

The law on Statutes of opposition has been sent to Parliament for scrutiny and adoption to allow participation of all Political Parties to express themselves on issues concerning the country; freedom of expression in Burundi is at its highest degree as there are private radio stations and print media which allow free expression of opinion.

The Republic of Burundi has instituted the National Independent Electoral Commission (CENI) which is an instrument of promotion of Democracy and Human Rights.

CENI is ardently trying to promote the respect of electoral law and democratic culture in Burundi. It has undertaken the initiative of educating political parties, the masses and politicians on good governance, respect for electoral laws and democratic culture. This is aimed at curbing the common attitude in Africa that "elections are only good for one who wins them and bad for the loser; Complaints of rigging elections, over ambitious political parties and general weakness of electoral systems are also addressed by CENI.

Accountability and Transparency

Corruption is still a big challenge to good governance and specifically in terms of accountability and transparency. In response to this, the government has instituted a Special Anti- corruption Brigade to facilitate the work of various institutions and laws to fight this vice. As such, cases of corruption are reducing in the whole country.

The office of the Auditor general was also created in September, 2007 to ensure the accountability and management of public expenditure.

Best Practices

- Anti- corruption Entities in provinces

- Anti-corruption Clubs in schools
- Anti corruption Focal points in Ministries

Recommendations

- In view to improve governance, democracy and rule of law in Burundi, there is need to create a culture of accountability at all levels of responsibility, need to improve transparency in the management of public affairs and need to strengthen the rule of law.
- The Government has finalized the National Strategy of governance and the fight against corruption. Concentration points of the action plan of the strategy include: the prevention, investigation, the criminalization of acts of corruption, asset recovery and proceeds of corruption, and increased public participation. Each institution, to better work should be guided by the content of this strategy.

Social Justice, Equal Opportunities and Gender Equality

The Constitution of the Republic of Burundi as well as the Electoral code spells out quotas of women in institutions and these are implemented; women are more than 30 per cent in Parliament but 17 per cent at local level. There is need to raise the percentage at local level.

The Republic of Burundi Ombudsman office is the link between citizens and the State. He makes investigations to know how citizens undergo injustice. The Ombudsman briefed the EALA delegation on the status of social justice and good governance. He particularly informed the delegation that, there is a lot of improvement in crucial areas especially in accountability, in reducing corruption, and in security. - Gender mainstreaming is in all national programmes, International Instruments on Gender and equal opportunity are known as a result of carrying out sensitization campaigns in all parts of the Country.

The Ministry of Gender works to reduce violence against women by ensuring enforcement of the Penal Code and the National Policy on Gender up to the grass root level;

Promotion of Good Governance – Civil Society component

The view of the civil society on Human Rights was that banks should review their systems to facilitate citizens get loans. Banks are supposed to function to empower people, but this is not the case for banks in Burundi.

The civil society reaffirmed the existence of freedom of expression in Burundi; there is a lot of space for the civil society to express themselves. There are many private radios stations through which their messages to the population can be aired.

For associations representing women, the CSOs said that the political Party CNDD-FDD is the only Party which has given enough space to women in institutions. Women cannot get good positions unless they are in political Parties. This is the reason why women leaders are sensitizing their fellow women to seek membership in Political Parties. In summary, they said that Burundi has made improvement in matters of Rule of Law, Good Governance and Human Rights.

The main achievement for the civil society is the fight for creation of a National Commission on Human Rights as well as preparing a write up which was handed to government to take into consideration during negotiations on EPAs.

Recommendation

The Law on Corruption should specifically include orders for restitutions of property illegally acquired.

4.2 THE REPUBLIC OF UGANDA

Human rights, Rule of Law

Under Article 248(1) of the Constitution, the Republic of Uganda has established the Law Reform Commission, a constitutional body to study and keep under constant review the Acts and all other laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform. Its main objective is to contribute to the existence of Rule of law by reforming and updating the laws of Uganda in line with the social, cultural and economic needs and values of the people of Uganda.

The Commission encourages and promotes public participation in the law making process through consultations, research and documentation and advocacy programmes.

There has been debate on the EAC Constitution and EAC laws where the contention of the Chairperson of Uganda Law Reform Commission was that there is need to specify areas where laws can be made at the EAC level and areas that should be left to Partner States.

On the EAC Constitution, it was noted that Human Rights which are universal should be adopted.

Under Article 60 of the 1995 Constitution of Uganda, the Electoral Commission was set up with functions as outlined under Article 61. Its main mandate is to ensure organisation, management and maintenance of good governance through a fair and democratic electoral process.

The EALA delegation also had a meeting with Uganda Human Rights Commission (UHRC) which performs several tasks in promoting good governance in Uganda. It conducts independent investigations into the abuse of human rights. This is through Policy formulation; Increasing levels of awareness amongst the citizens; Awareness campaigns, for example, if a person is detained for more than 48 hours he or she complains to the Commission; Contributing to literacy levels amongst people so that they can read the local languages, newspapers and notices on the boards; Visiting jails and detention places to access the detainees who feel that their lives are in

danger or feel that they have been wrongly accused; and Publishing annual reports on the situation of human rights in the country and presenting them before Parliament.

Best Practices

- a) During the visit at the UHRC, the Sub-Committee was informed that the UHRC had just won an award for the best National Human Rights Institution (NHRI) that has contributed the most to the human rights work in Africa. Uganda Human Rights Commission was chosen from the list of the 22 African National Human Rights Institutions (NHRI) with an Affiliate Status with the Banjul (Gambia) based Company.
- b) The Electoral Commission in Uganda has interfaced with the East African Community in a number of activities to facilitate enhancement of Good Governance in the Community; And to avail avenues for redress in the event of breach of human rights.

Recommendations

Officials at the Electoral Commission observed and made recommendations which include;

Need for; timely enactment /amendment of electoral laws; provision of adequate funding by government; timely release of funds and putting in place corruption free governance structures.

Democracy and Political Rights

The EALA delegation had meetings with political parties' representatives, where they underscored the need for the translation of the Constitution into local languages as stipulated in the constitution of Uganda.

The political parties also informed the Sub-Committee that the minority political parties have been isolated in the formulation of laws and policies; and funding.

Political Party representatives appealed to EALA members to support the establishment of the EAC consultative forum for political parties at the regional level as a way of engaging all parties to have an input in the integration process rather

than isolating them. This will enable EAC Governments to recognize and facilitate them for example by funding them.

They also demonstrated the need to fortify the independence of the electoral commission as well as change the name of the Electoral Commission of Uganda to read as the 'Independent Electoral Commission of Uganda.' They observed that there is need for tolerance of Political Parties in Uganda; and that Government needs to recognize Political Parties as the opposition and cease to refer to them as enemies.

The Sub-Committee urged the Political Parties in Uganda to draw on the positive experiences of political parties in the transitions in the EAC Partner States and should not dominate political parties with personal agenda, but focus on national interest and common good.

Recommendations

- a) Only parties with strong internal democracy can build a democratic state. Thus issues such as gender and intergenerational equity, continuous recruitment of membership to nurture new leaders, and separate party management from politics are imperative.
- b) There should be positive benchmarks to define operations of political parties. These include a legal framework to define the rights and obligations of political parties including their structure, norms and financing. Additionally, parties should adhere to certain moral principles and values hence the need for a code of conduct to guide them.
- c) Political parties should be able to frame mechanisms to address national, social, economic and political issues and offer alternative perspectives. This can only be done on the basis of a value system: the political party ideology. In other words, political parties should not be vehicles to realize political power per se, but should address national issues, such as resource allocation, security to mention but a few.

Accountability and Transparency

The Office of the Auditor General (OAG) is the Supreme Audit Institution (SAI) of Uganda. The provisions of the Constitution of the Republic of Uganda (1995) as amended under Article 163, sets out the appointment, mandate and removal of the Auditor General.

The Constitution specifically mandates the Auditor General to audit and report on the public accounts of Uganda and to further conduct financial and value for money audits in respect of any project involving public funds. It was noted that as far as prevention of fraud and corruption is concerned, the three essential aspects of the impact of the work done by Auditor-General's Office (OAG) are prevention, detection and correction.

The OAG has evolved a set of measures over the years to translate this mandate into practice and to discharge its role efficiently and effectively. Because of the limited resources available, audit program of work in respect of each public sector entity undergoes an analytical review and scoping of audit work concentrating on important areas. The scoping is done in order to match the resources available to the program of audit work intended to be executed, so that audits are managed within the given resources, economically, effectively and efficiently.

Social Justice, Equal Opportunities and Gender Equality

The Government of Uganda through the Ministry of Gender, Labour and Social Development (MGLSD) approved a National orphans and other vulnerable children policy and a National strategic programme plan of interventions for orphans and other vulnerable children (NSPPI) in 2004. These two instruments reflect a commitment to and a context for the fulfillment of the rights of Ugandan children who are orphaned and/or vulnerable. In the meeting with Ministry officials, they observed that the Government of Uganda needs to provide social protection for vulnerable employees, by for example instituting a realistic minimum wage but also by insisting that working conditions are improved.

The Ministry also noted the need to provide space and facilities for the Labour Courts, which Court has capacity to comprehensively address labour disputes. It was noted that the Labour Court is established by law and needs to be operationalised urgently.

The Committee noted that Uganda is the first country in Africa to have established an Equal Opportunities Commission that has been empowered to undertake its own investigations and prosecution of discriminatory practices while enforcing affirmative action in Uganda.

Uganda also enacted the first comprehensive Persons with Disabilities law in sub – Saharan Africa. Efforts are underway to align it the International Conventions and implement its provisions

Best Practices

Some of the best practices noted include: gender audit, community service as a punishment to decongest the prisons, powers to hear cases by the Human Rights Commission, establishment of the Equal Opportunities Commission and Electoral Commission’s transparency practice of open basin voting.

Promotion of good governance – Civil Society component

The Committee observed that there is a growing trend where the government involves CSOs in processes of policy formulation and implementation. As such, the Sub-Committee noted that for the bulk of CSOs, the involvement in policy processes has largely been in service delivery areas as opposed to advocacy let alone in areas of governance and democratization. The Committee noted that CSOs are playing an increasingly important role in the monitoring of national and local elections as well as of expenditures at the district level – particularly of the Poverty Alleviation Funds.

The Committee interacted with representatives from Transparency International and the following concerns were raised in respect to corruption indices; the number of respondents interviewed; questions put to the respondents and the assessment of environment especially freedom of expression.

Recommendations

The following recommendations were noted.

- Strategic support to CSOs in Uganda to help them attain the capacity necessary for engaging the state on issues of development, democracy and human rights;
- CSOs should be accountable both to their constituencies or the intended beneficiaries, as well as to the funders;
- Democracy and Transparency. Support should be on the premise that CSOs operate in a democratic and transparent manner;
- Reduce dependence. CSOs should aim at reducing dependence on foreign support as this undermines their independence and the sustainability of their programmes.
- Need to debate and agree on the way forward for Presidential term limits and to strengthen institutions that deal with aspects of corruption and separation of powers;
- Need for continuous civic education and establishment of social contracts such as the Leadership Code which should be adhered to by all leaders at various levels.

4.3 REPUBLIC OF KENYA

Human rights, Rule of Law

The State Law Office (Office of The Attorney General) has the overall responsibility of providing legal advice to the Government and its agencies; and for ensuring that the Kenya Legal system effectively offers opportunity for the activities of the Public and Private Sector to be carried out within the ambit of the Law. In the meeting with officials of the State Law Office, it was agreed that the most important law to promote good governance is the Constitution of Kenya.

Recommendations

The Kenyan Government should quickly Deposit a special Declaration accepting the competence of the African Court on Human and Peoples Rights, a requirement under

Article 34(6) of the Protocol to the African Charter on Human and Peoples Rights for the African Court on Human and Peoples Rights.

Democracy and Political Rights

According to the State Law Office; Citizens participate in the law making process which is also backed by the fact that Kenya is a signatory to the International Covenant on Civil and Political Rights under Article 1(1) and Article 25 of the Covenant. The Constitution is in place to enhance good governance. The level of awareness amongst the citizens is at about 80%.Citizens feel that with the new Constitution their rights are adequately secured.

Recommendations

The strengthening of democratic governance requires more than well-functioning electoral bodies, Parliaments, an independent judiciary and other institutions and processes – important though these are. The Republic of Kenya calls for a strong culture of democracy, in particular, robust, transparent, internally democratic and accountable political parties.

Political parties represent a keystone of democratic governance. They provide a structure for political participation; serve as training ground for future political leaders and seek to win elections in order to enter government. Whether inside or outside of government, political parties exist to transform aggregated social interests into public policy.

Accountability and Transparency

To fight corruption and ensure accountability, transparency, and ethics, the Ethics and Anti- Corruption Commission (EACC) came into force on 27th August, 2011 by an Act of Parliament. The Act was developed in pursuance of the constitutional provisions of Article 79 of the Constitution of Kenya, 2010 which directs Parliament to enact legislation to facilitate the establishment of an independent Ethics and Anti-Corruption Commission.

The Commission investigates and recommends to the Director of Public Prosecutions the prosecution of any acts of corruption or violation of codes of ethics or other matters prescribed under the Act or any other law enacted pursuant to chapter six of the Constitution.

It also raises public awareness on ethical issues and educates the public on the dangers of corruption.

Social Justice, Equal Opportunities and Gender Equality

The Republic of Kenya has the National Gender and Equality Commission which was established by an Act of Parliament. It was established on 30th of August 2011 with a view to promote the integration of the principles of equality and freedom from discrimination in national and county policies, laws and administrative regulations.

Under Article 27 of the Constitution of Kenya on Equality and Freedom from Discrimination, the State shall ensure that all women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

The National Gender and Equality Commission is expected to play a role in inculcating the culture of equality or non –discrimination in all the spheres. The Commission enhances this by coming up with laws, policies, administrative regulations. It further gives advisories in Courts of Law.

According to this Commission, a majority of the Kenyan citizens are well versed with issues of gender and equality. The Commission believes that this has been made possible by carrying out awareness sessions in all parts of the Country as well as using the media. The Commission believes that with more funding, they will be able to create more awareness and further to use local languages in disseminating relevant information.

The Commission informed the Committee that the Republic of Kenya has ratified the various relevant international instruments

Recommendations

Expedite the Legislation Stipulated under Article 27 and 100 of the Kenyan Constitution to ensure the 1/3 Gender Compliance in constituting the next Kenyan Legislature.

The Ethics and Anti-corruption Commission should be strengthened by giving it powers to prosecute.

More and continuous civic education on matters of prevention of corruption should be emphasized.

4.4 REPUBLIC OF RWANDA

Human rights, Rule of Law

The Chief Justice briefed the Committee on the history, nature and reconstruction of the Judiciary in Rwanda. The Chief Justice stated that the Judiciary in Rwanda is still under reconstruction to reflect independence and efficiency in order to achieve and reflect the Rule of Law and consequently good governance.

In Rwanda today, the Constitution is clear and allows the Judiciary to take decisions in accordance with the law. Other laws like the law on ethics of judges, emphasize that judges should take decisions in accordance with the law. "Fair decisions reflect fair processes."

The permanent Secretary in the Ministry of Justice and The Law Reform Commission briefed the Committee on Human Rights, Rule of Law and Democracy and remarked that there is no good governance without the rule of law.

The Committee was briefed on the core activities of the National Commission for Human Rights which are; protection, promotion and prevention of acts against human rights. The above activities have given rise to tremendous progress in the promotion of human rights in Rwanda.

To ensure the rule of law, the Police in Rwanda has signed MoUs with other EAC Partner States to exchange information, best practices and training. The police

forces in EAC have spearheaded and encouraged enforcement of laws for administration of justice. There is however need to harmonise laws, rules and procedures in the EAC region for operationalisation of the Treaty and Protocols thereto.

The Rwanda National Commission for Human Rights plays the role of protection, promotion and prevention of acts against human rights that all contributes to good governance in Rwanda. In respect of its obligations, the National Commission for Human Rights promotes eradication of ethnic, regional and other divisions and promotions of National Unity, building a State governed by the Rule of Law, a pluralistic democratic government, equality of all Rwandans and gender emancipation, social welfare and establishing appropriate mechanisms for ensuring social justice; constant quest for solutions through dialogue and consensus.

Best Practices

Efficiency in filling court cases has been enabled by use of ICT. Court processes have been made faster as cases are completed on time because of easier access to Courts. Electronic filling of cases has been initiated where litigants file cases online and Courts promptly schedule hearing dates.

Court sessions especially of appeal cases from regions being heard in Supreme Court are video conferenced and litigants may not have to travel hence saving time and money. The Supreme Court communicates electronically with regional courts.

Initiatives to scan and file scanned files electronically has been initiated for back-up and avoidance losing exhibits and records once tempered with.

A unique structure called Anti-Corruption advisory Council made up of the ombudsman and other anti-corruption agencies together with the local government has been put in place. The same structure exists in all districts and together share information, initiatives and practice.

Recommendations

Setting up regional regular mechanisms for monitoring and respect of human rights;

Regular exchange of information and best practices on good governance;

Continuous education on good governance, democracy and rule of law;

Democracy and Political Rights

Although not explicit in the Constitution, the political rights in Rwanda have been maximally enjoyed due to the enabling laws like the law governing elections, the law on political parties, the law governing electoral commission, the law on media and on Nongovernmental organization and Faith based organizations.

In a nut shell, the rule of law in Rwanda has been supported by two main pillars of the institutional framework and the legal framework.

There are sufficient institutions under Judiciary and Executive. The legislature has also enacted relevant laws to operationalise the Constitution basing on the legislative framework. The Ministry has however addressed the need to evolve and continue initiating legislation and updating of laws in order to make sure they serve the interests of the people. Hence, the Law Reform Commission.

The Law Reform Commission which the Committee also met, constantly looks/checks what the society needs and advice on potential laws to be amended and those that should be initiated. The Commission also makes sure that the laws in place are Constitutional, that the international obligations are fulfilled in accordance with the Constitution and laws in place.

Rwanda has established the National Consultative Forum of Political Organizations (NFPO). A constitutional entity officially recognized as a platform for political dialogue and exchange of ideas among political organizations on the country's problems and national policies, in the purpose of promoting consensus building and national cohesion. It is also a permanent framework for capacity building for member political organizations in the development of political activities and political service provision.

The NFPO is also as a framework for conflict mediation and for the promotion of the code of conduct that should characterize the political leadership in Rwanda.

Recommendations

Develop a harmonized curriculum of civic education that addresses democracy as a pillar of good governance;

Building capacity of institutions charged with monitoring of good governance, democracy and rule of law;

Accountability and Transparency

The Judiciary in cooperation with other arms of government has fought corruption in Courts as part of the National Policy of zero tolerance to corruption. To this end, corrupt judges, registrars of Courts and Court Clerks are dismissed or imprisoned by the Judicial Council on conviction for corruption tendencies and conduct leading to corruption. All these reforms and initiatives in the Judiciary give respect and public confidence to the Judiciary rated at 75%. Also 75% of judgments are rendered without fear or favour – hence independence of the judiciary that fetches rule of law and consequently good governance.

The Republic of Rwanda has instituted various anti-corruption bodies and the Ombudsman office whose mission is “Leading the fight against corruption through public education, prevention and law enforcement.”

The Auditor General also briefed the Committee that it is the political good will that produced all that is seen on the ground in Rwanda. The Auditor General’s office is among other duties responsible in ensuring transparency in government business. In Parliament, the Auditor General makes a broadcasted presentation of the report where all questions are asked. Virtually, every Rwandan listens and ask questions if they want via radios and Television. This enhances public accountability. The Office of the Auditor General also in addition to financial audit, it also carries out value for money audit and this combined covers 75% of the annual budget audit.

Accountability and transparency are characteristics of good governance that work both top-down and bottom-up, and that may be decisive for the long- term legitimacy and survival of the Eastern African democracies, as well as the economic,

social, cultural, and moral well-being of the beneficiaries of development initiatives in the region.

Best Practices

Rwanda has emphasized zero tolerance to corruption. Transparency International rates Rwanda the least corrupt in the EAC region, 4th least corrupt in Africa and 49th in the world.

Rwanda has institutionalized a three day national dialogue forum every year chaired by the President. All kinds of questions are asked in public and reports given. This has compelled leaders to account and held them responsible.

Leaders sign performance contracts that bind them to execute specific obligations. This practice has enhanced accountability in Rwanda.

All leaders at all levels in Rwanda declare wealth.

Social Justice, Equal Opportunities and Gender Equality

On the issue of gender and equal opportunities, it is a Constitutional requirement that in each institutional setting, women representation must be at least 30%. In reality it has increased to over 50%.

The head of the Gender Monitoring and Evaluation in the Ministry of Ministry of Gender and Family Promotion briefed the Committee that the government of Rwanda has manifested commitment at the highest level towards promotion of gender equality and women promotion; and that sustainable economic development requires equal participation of all members of the society at all sectors of economic development. Exclusion means the loss of potential economic growth; as women make up 52% of the population, this segment of the country cannot be left out.

For sustainable development, the government of Rwanda considers gender equality promotion and women's empowerment as a device. The government of Rwanda has put in place legal and policy frameworks and institutional mechanisms to facilitate the process of gender equality promotion. These laws, policies and mechanisms are

translated into projects and programs to make sure that both, men and women, boys and girls are benefiting and enjoying their rights equally.

Promotion of Good Governance – Civil Society component

The Republic of Rwanda has a civil society platform that brings together all civil society organizations together. There exist 800 civil society organizations in total and have a special unit in charge of good governance. Their activities include:

- Follow up good governance and democracy in the Country and Monitoring time compliance of the politics at play and advocate accordingly;
- Evaluating government policies oversee their activities at the village level, prepare advocacy plan and implementation. Some of the policies advocated for include: Performance contracts and Medical insurance known as (mituelle de santé);
- Play an advisory role and work in partnership with the local government;
- Encourage citizens to participate in government programs;
- Complements government agencies in fighting corruption. For instance, Transparency Rwanda has signed MoUs with the Ombudsman, the Police, the Attorney General and the Prosecutor General in a bid to fill the gaps as far as embracing transparency and accountability is concerned;
- Some like Transparency Rwanda have advocacy and legal advice center, where many complaints are received and followed up to logical conclusion;
- and most undertake outreach activities and research projects to establish cases and level of gender based violence, Court Judgments executions among others;

4.5 UNITED REPUBLIC OF TANZANIA

Human Rights, Rule of Law

The United Republic of Tanzania has in place various laws and policies to enhance good governance. The URT has therefore boosted herself of enacting a number of legislation and existing policies to enhance good governance in the country. The

Constitution of the URT of 1977, Cap. 1 is the supreme law of the land and the founding principle of good governance in Tanzania. Its preamble, inter alia, provides for a society governed by the principles of separation of powers, rule of law, human rights, social justice, etc. which cover aspects of good governance; It is supported by several Acts of Parliament and government policies.

The Office of the Attorney General (AG) (Discharge of Duties) Act, 2005 Cap. 268: The Act provides for the discharge of duties and the exercise of powers of the AG. It also provides for the relationship of the office of the AG with other public offices and officers performing legal functions in the government and local government authorities and related matters;

Hence, the Committee observed that there exists a number of policies and strategies in Tanzania which support the enhancement of good governance in the country.

It was noted that Tanzania is committed to good governance as a key requirement for promoting economic growth and poverty reduction. Various measures and reforms towards strengthening good governance have mainly focused on the areas of democracy and human rights, legal and institutional systems.

The Commission for Human Rights and Good Governance (CHRGG) established under the Commission for Human Rights and Good Governance Act, 2001 supports the arms of the state in dealing with matters of human rights and justice. However, the Commission for Human Rights and Good Governance annual reports are not debated in the Parliament of Tanzania compared with other national human rights commissions of other jurisdiction;

The Law Reform Commission of Tanzania is mandated to undertake review of any laws with a view to its systematic development and reform;

Democracy and Political Rights

The Committee was informed that Tanzania has carried out sustained reforms of the legal sector in the pursuit for strengthening the rule of law, democratic governance, transparent and accountable conduct of public affairs.

Furthermore, the Government adopted the National Anti-Corruption Strategy Action Plan (NACSAP) (2004-11) as a strategic policy and action framework to prevent and combat corruption.

Recommendations

There is need for the government of the United Republic of Tanzania to set aside sufficient budget to enable effective enforcement and or implementation of good governance aspects and not leave them under donor funding per se as that would amount to compromising the independence of the country in general and the sub-region in particular.

Accountability and Transparency

The Prevention and Control of Corruption Bureau (PCCB) is a semi-autonomous governmental institution, which is entrusted to combat corruption in Tanzania Mainland. It is a department under the supervision of the President's Office; The Executive Secretary for the PCCB is appointed by the President and accountable to him;

Best Practices

Progress in countering corruption is indicated by the exposure of politicians, senior public officials and business persons in grand corruption cases, and criminal proceedings instituted in the courts of law;

Over the period from 2008 to July 2011, a total of 20,346, allegations were received by PCCB. Out of these 1,932 cases were prosecuted and 179 convicted.

5.0 GENERAL RECOMMENDATIONS

5.1 Cross-Cutting Issues

- a) Best practices highlighted should be documented with an aim to be adopted in other Partner States.
- b) There is need for continuous interaction with the stakeholders on good governance.

- c) Harmonisation of laws that underpin good governance should be fast tracked and Partner States should be urged to fully implement the laws.
- d) EAC Partner States should benchmark Human Rights best practices, share, promote and adopt other good governance practices in EAC partner states.
- e) There is need to establish an EAC Political Parties Forum in order to promote ideologies that advance common interests and the common good of all East Africans.
- f) There is need to raise awareness of people on the advancement of regional integration;
- g) There is urgent need for National Assemblies to form Committees on EAC Affairs for further linkages and popularization of integration affairs.

5.2 EAC Specific

- a) EAC Court of Justice should undertake a visit to the Judiciary in Burundi to exchange on competences of various institutions and services;
- b) The civil society in Burundi was of the view that increasing on EAC should be carried up by them as they know how to reach the people. Therefore, all EAC Programmes intended to raise awareness on the EAC should include the civil society. The EAC should build capacities of the civil society of Partner States.
- c) There is need to adopt the EAC Good Governance Protocol in order to set standards on the principle of good governance.
- d) Encourage the Heads of State to assent to the EAC Bill of Rights and the pact on security, stability and development in the Great Lakes region;
- e) EALA should push and advocate for implementation of signed EAC Protocols of Customs Union and Common Market.
- f) Much more efforts are needed in sensitizing the people with regard to EAC integration project, hence a need for public information to be designed and incorporated in the EAC budget for implementation. This will ensure

enhancing the level of ownership of the Community and make it more people centered.

5.3 Country specific

- a) There is need revival of trade unions in Uganda and the EAC as a whole in order to advocate for workers' rights and interests such as provision of a living wage, pension in the wake of EAC integration.
- b) There is need to translate the Constitution of Uganda into local languages as stipulated in the Constitution of Uganda.
- c) The Kenyan Parliament should establish a substantive Committee for East African Community Affairs as opposed to EAC matters being handled under the committee on Defense and Foreign Affairs.
- d) Since the United Republic of Tanzania is currently on the process of reviewing its constitution, there is need for the new constitution to incorporate EAC affairs to strengthen the integration project.

6.0 Conclusion

The Committee noted that all EAC Partner States visited have the political will to adhere to the principles Good Governance.

It was observed that much as the principles of Good Governance have been documented or put in place as laws to be adhered to, they have not been fully administered and operationalized by all Partner States.

Most of the EAC Partner States have put in place institutions to promote Good Governance.

7.0 Acknowledgement

The Committee thanks the Assembly for facilitating it to execute its oversight function.

The Committee appreciates the tremendous support provided by the Ministries of EAC Affairs and officials of Partner States.

The Committee recognizes the enthusiasm espoused by stakeholders who were ready and willing to share vital information on good governance.

The Committee also wishes to thank the EALA staff especially the Clerk and the sub-committee secretaries for their commitment in facilitating the Committee. ***The detailed Sub-Committee reports from the five EAC Partner States are attached hereto as (Annex I-V).***