



EAST AFRICAN COMMUNITY

**3RD MEETING OF THE 2ND SESSION OF THE
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**Nairobi, Kenya
17th November - 7th December 2013**

**PRIORITY QUESTIONS FOR ORAL
ANSWERS**

November 2013

1.0 QUESTION : EALA/PQ/OA/3/30/2013 (By Hon. Dora K. Byamukama)

Article 132 of the Treaty provides for the budget of the Community. The EAC budget is funded by equal contributions by Partner States and receipts from regional and international donations and any other sources as may be determined by the Council. As a matter of fact, the Organs and Institutions of the Community are underfunded. To this end, the Summit issued a directive to find alternative funding mechanisms.

Could the Chairperson, Council of Ministers inform this August House, how far the process has gone in finding alternative funding mechanisms? When will this exercise be completed?

Madam Speaker,

The consideration of an alternative financing mechanism for the East African Community was justified by the fact that -

- (a) the Community has, since establishment, grown in the magnitude of projects and programmes;
- (b) the current financing mechanism provided under the Treaty cannot effectively support the concurrent implementation of the pillars of integration; and
- (c) there is need for Partner States to finance the process and avoid over-reliance on donor funding.

Taking into account the advantages and disadvantages of the different mechanisms, there is a proposal that the budget of the East African Community be financed from a 1% levy on the value of imports from outside the East African Community Region.

Madam Speaker,

It is therefore proposed that-

- (a) the Council adopts the proposed 1% levy on the value of imports from outside the community towards funding Community's projects and

programmes; the percentage should be reviewed after every 5 (five) years by the Council of Ministers;

(b) Article 132(4) of the Treaty which provides for equal contributions by Partner States be amended;

(c) the Council initiates a Bill to the Legislative Assembly to operationalise the proposed funding mechanism;

(d) Partner States make the necessary amendment of the Revenue Authority Acts in order to pave a way for the Revenue Authorities to develop new modalities for real-time collection and remission of funds to the EAC special collection account; and

(e) the Secretariat develops operational policies and modalities for operating the special collection account.

It was also discussed that other resources of revenue such as surcharges on air tickets should be considered in the proposed alternatives;

The Partner States are currently consulting on the proposal that the budget of the East African Community be financed from 1% of the value of imports from outside the East African Community. The Secretariat is developing a comprehensive paper on all other alternative financing mechanisms for the Community and submit to the Council for consideration.

2.0 QUESTION : EALA/PQ/OA/3/31/2013 (By Hon. Dora K. Byamukama)

Article 16 of the Treaty provides that regulations, directives and decisions of the Council taken or given in pursuance of the provisions of the Treaty shall be binding on the Partner States and on all Organs and Institutions of the Community other than the Summit, the Court and the Assembly within their jurisdictions and on the those to whom they may under the Treaty be addressed. Could the Chairperson of Council of Ministers:-

- a) Clarify to this August House the decision making process of the EAC Council;**
- b) Confirm whether the decision making process has become an impediment to the integration process.**

Madam Speaker,

The decision-making process of the Council of Ministers is guided by the provisions of Articles 14 and 15 of the Treaty for the Establishment of the East African Community, the Protocol on Decision-Making by the Council of Ministers and the Rules of Procedure for the Council. On the basis of this legal basis, the Council makes decisions, directives, regulations and recommendations on different areas for purposes of promoting, monitoring and keeping under review the implementation of the integration programmes. The key tenets of the process include:-

- a) Representation of all the Partner States, which is the basis for the quorum at all meetings;
- b) The requirement for consensus on the making of all policy decisions; and
- c) Reliance on such technical input as may be required from relevant Sectoral Councils and the Co-ordination Committee comprising Permanent Secretaries and Principal Secretaries.

Madam Speaker,

I cannot confirm let alone state that the decision-making process of the Council has become an impediment to the integration process. As is the case with decision-making in with other integration processes, such as those of the EU Council and the EU Commission, the process is afflicted by such factors as:-

- a) the problem of reaching consensus in some cases much as consensus does not necessarily mean unanimity;
- b) lack of quorum and representation at some meetings;
- c) postponement of meetings; and
- d) long pre-decision making consultations among the Partner States.

These are matters in respect of which the Council of Ministers is pursuing solutions through amendment of the relevant instruments.

Madam Speaker,

Allow me to inform this august House that despite some challenges in decision-making the Council has been able to discharge its responsibilities in overseeing progress in various areas of co-operation.

3.0 QUESTION : EALA/PQ/OA/3/32/2013 (By Hon. Dora K. Byamukama)

Pursuant to Article 124 of the Treaty, Partner States undertook to cooperate in matters of regional peace and security. Further, Article 125 stipulates that Partner States shall cooperate in defense affairs and to establish a framework for cooperation.

Could the Chairperson of the Council of Ministers inform this August House:-

- a) What mechanisms are being put in place to address security threats within and without the EAC?***
- b) Whether belonging to different Regional Economic Communities (RECs) by the EAC Partner States pauses security concerns?***

Madam Speaker,

Pursuant to Article 124 of the Treaty, the Council of Ministers, at its 13th Meeting held in November 2006 adopted a Strategy for Regional Peace and Security. The interventions outlined were later updated and embedded in the EAC Peace and Security Protocol which was signed in February 2013. These two Policy documents guide implementation of Cooperation in the area of Peace and Security. In respect to the Defence Sector a cooperation framework as provided for in Article 125 of the Treaty, initially in the form of a Memorandum of Understanding and later upgraded to a Protocol has been under implementation since 2001.

Madam Speaker,

To date the following mechanisms/Policies /Strategies are either under implementation or advanced stage of development:-

- a) Conflict Prevention, Management and Resolution Mechanism : under implementation;
- b) Early Warning mechanism: under implementation.
- c) A SALW Policy and action plan: under implementation for the last six years;

- d) Regional Disaster Risk Reduction and Management Strategy was adopted by the 27th Meeting of the Council of Ministers along with its implementation plan;
- e) Frameworks for cooperation in Counter Terrorism : being finalized,
- f) Maritime Security Strategy: already been concluded implementation is to commence in January 2014; and
- g) A Refugee management Policy: under development.

In addition to the above, cooperation in policing has been up scaled with the objective of removing safe havens for criminals in the region, through enhanced information exchange and simultaneous joint coordinated operations, with the *Operation Umoja* carried out in July 2013 as an example.

Madam Speaker,

Within the context of the African Peace and Security Architecture harmonization of security sector interventions by RECs continues to be promoted through institutionalized regular consultations. The establishment of REC Liaison Offices at the AU and Vice Versa has further strengthened this engagement. Subsequently complementarity among RECs has been increased and competition reduced to ensure that RECs take their rightful place as building blocks of the AU. Membership to different RECs has thus served to enhance cooperation in Peace and Security rather than pose any security concerns.