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EAST AFRICAN COMMUNITY

**REPORT OF THE EAC COUNCIL OF MINISTERS TO THE EAST AFRICAN
LEGISLATIVE ASSEMBLY (EALA) ON PROGRESS MADE BY THE COMMUNITY IN
THE DEVELOPMENT OF ITS COMMON FOREIGN AND SECURITY POLICIES
JANUARY 2013 - MARCH 2016**

**2ND MEETING OF THE 5TH SESSION OF THE THIRD EAST AFRICAN
LEGISLATIVE ASSEMBLY, ZANZIBAR, TANZANIA**

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ABBREVIATIONS

AML/CFT	Anti-money Laundering and Counter Financing of Terrorism
AU	African Union
COMESA	Common Market of Eastern and Southern Africa
CPMR	Conflict Prevention, Management and Resolution Mechanism
CPX	Command Post Exercises
EAC	East African Community
EACPF	Establishment of the East African Community Peace Facility
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
ESAAMLG	Eastern and Southern Africa Anti Money Laundering Group
ESA-IO	Eastern and Southern Africa - Indian Ocean
EU	European Union
FTX	Field Training Exercises
IGAD	Intergovernmental Authority on Development
ICGLR	International Conference on the Great Lakes Region
INTERPOL	International Police
IOC	Indian Ocean Commission
ISS	Institute for Security Studies
MoU	Memorandum of Understanding

MV	Motor Vehicle
NATO	North Atlantic Treaty Organization
RDCTC	Regional Defence Counter Terrorism Centre
RECSA	Regional Centre on Small Arms
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SOPs	Standard Operating Procedures



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January 2013 - March 2016

1.0 BACKGROUND AND INTRODUCTION

1. In order to attain the objectives of the Community, peace and security are key pre-requisites across all the stages of its integration. This underlies the emphasis expressed in the EAC vision of "a prosperous, competitive, secure, stable and politically united East Africa...." The need to focus more on regional stability is of paramount importance as the integration widens and deepens, more so with the coming into force of the Common Market and the need to protect the gains achieved so far through the Customs Union, and mindful of the next stages of the Monetary Union and Political Federation.

2. Article 123 of the Treaty for the Establishment of the East African Community (Treaty) requires Partner States to put in place common foreign and security policies, the objective being to:
 - a) safeguard the common values, fundamental interests and independence of the Community;
 - b) strengthen the security of the Community and its Partner States in all ways;
 - c) develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms;
 - d) preserve peace and strengthen international security among the Partner States and within the Community;
 - e) promote co-operation at international fora; and
 - f) enhance the eventual establishment of a Political Federation of the Partner States.
3. Article 124 of the Treaty provides for cooperation in regional peace and security wherein Partner States undertake to, among others:
 - a) to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner

States with a view to prevention, better management and resolution of disputes and conflicts between them.

b) to promote and maintain good neighbourliness as a basis for promoting peace and security within the Community.

4. Article 125 of the Treaty provides for the establishment of a framework to facilitate close cooperation in defence matters in enhancing collective approach to defence related issues.

This report below is presented in the context of Article 59 (3) (c) of the Treaty which requires the Council to submit to the Assembly on Annual basis a report on the progress made by the Community in the development of its foreign and security policies from January 2013 to March 2016. The Assembly should note that at its 34th Ordinary meeting the Council adopted the report for onward transmission to the East African Legislative Assembly (**EAC/CM34/Directive 23**). The Assembly is expected to debate the report. The report to be debated covers the period January, 2013 to March, 2016 and summarizes development in various foreign, peace and security policies under implementation.

2.0 SECURITY CHALLENGES IN THE REGION

1. The EAC is situated in a region that continues to witness serious security challenges. While a lot of progress has been made in the

restoration of the rule of law and inculcation of the culture of peace, a number of security challenges still obtain for which appropriate responses must be put in place and regularly reviewed. In view of the foregoing, it was noted that the security challenges are in all the Partner States and are therefore, categorized in the following clusters:

- i. acts of terrorism including Money Laundering and financing of terrorism;
- ii. trafficking in Drug ,Persons/Smuggling in persons ;
- iii. cattle rustling and Illicit circulation and use of Small Arms and Light Weapons;
- iv. environmental crimes that include poaching, deforestation, Illicit trafficking in minerals and natural resources ; and Illicit Trafficking in Radioactive Materials;
- v. threats to maritime security domain;
- vi. Vandalism and theft of infrastructure components;
- vii. cybercrime, fraud, counterfeiting and other new generation crimes;
- viii. kidnapping and hostage taking for ransom;
- ix. election and post-election related conflicts and violence ; and
- x. natural and Man-Made Humanitarian disasters.

These have become a source of insecurity with a potential to derail the integration unless, resolute proactive measures are implemented. The relevant measures to address the above challenges are numerated in the Policy Responses in 3.0 below

3.0 POLICY RESPONSES

The following Policy interventions have been made:

3.1 Conclusion of a Peace and Security Protocol

The Assembly may recall that the EAC Protocol on Peace and Security was signed by the EAC Partner States on 15th February 2013. Among the provisions therein is the establishment of the Peace and Security Directorate, expected to take the lead in generating policy proposals and coordinating or implementing the multifaceted interventions adopted for the promotion of regional peace and stability.

3.2 Adoption of the EAC Conflict Prevention, Management and Resolution Mechanism (CPMR Mechanism)

1. The Council adopted the CPMR operational modalities including the Modality for the Establishment of the East African Community Peace Facility (EACPF). The Peace Facility was operationalized by the Council at its 28th Meeting held in November 2013, with

an initial allocation of \$500,000. The Council directed that annual increments be factored into the Community budget.

3.3 Revision of the Regional Strategy for Peace and Security

1. In view of the evolution in security threats faced by the Community and beyond, the Council at its 30th Meeting held in November 2014 adopted a Revised Regional Strategy for Peace and Security. The revised strategy took on board the evolving security dynamics and challenges. Subsequently the goals in the Strategy increased from the original 15 to 23 bringing on board threats such as:
 - a) enhancing cooperation within Prisons/Correctional Services in the Region;
 - b) prevention of genocide;
 - c) combatting and suppressing piracy for promotion of maritime safety and security;
 - d) enhancing measures to detect, prevent and combat cyber-crime;
 - e) enhancing measures to combat human trafficking, illegal migration and smuggling of migrants in the East African Community Region;

- f) enhancing cooperation in combating environmental crimes;
- g) strengthening co-operation amongst partner states on anti-money laundering and counter financing of terrorism (AML/CFT) initiatives; and
- h) prevention, control and eradication of motor vehicle (MV) theft in East African Community Partner States.

The Strategy has an implementation plan which will be integrated into the EAC Development Strategy.

3.4 Functioning of the East African Community Panel of Eminent Persons and for the Appointment and Deployment of Special Envoys/Representatives.

- 1 The need for preventive diplomacy and regional solutions to regional problems necessitated the development and the establishment of the modality for the establishment and functioning of the Panel of Eminent Persons and deployment of Special Envoys/Representatives. At their 16th Ordinary Summit held in February 2015, the EAC Heads of State approved the Modality. The Summit decided that Eminent Persons and Special Envoys will be appointed whenever need arises for the purposes of spearheading preventive diplomacy.

3.5 Establishment of the Regional Centers of Excellence in Policing Disciplines

1 The Community recognizes the need to harmonise security operations and training within the law enforcement agencies. Within the law and order sector, the following Regional Centres of Excellence in the Policing Function were agreed upon:

- a) disaster management & disarmament- Republic of Burundi
- b) Police Aviation; criminal intelligence training; counter terrorism(already - assigned to the Republic of Kenya by EAPCCO – Republic of Kenya
- c) Traffic management; gender based violence & child protection; Police Institutions of higher learning (Training on Intermediate & senior command courses) peace support operations & logistics; -Republic of Rwanda
- d) Public order management; junior command training; maritime policing/piracy – United Republic of Tanzania Police Forensics; community policing & social media –Republic of Uganda

The EAC Secretariat has embarked on mobilization of resources from the development partners to support human and technical capacities to strengthen some of these centers of excellence.

- 2 *A joint Police Hand Book on the EAC Integration Stages, as well as Trainers Guide on EAC Human Rights in Policing*, have also been developed to facilitate common knowledge on the EAC integration within these security agencies while promoting a uniform human rights approach within the Policing function across the region.

3.6 Eastern and Southern Africa - Indian Ocean (ESA-IO) Regional Maritime Strategy:

- 1 Following a spike in piracy in the Indian Ocean in the late 2009 and the subsequent security and economic impact upon EAC Partner States and the region at large, the East and Southern Africa/Indian Ocean met in Mauritius in October 2010 and adopted a multi-dimensional Regional Maritime Security Strategy and Action Plan that responds to Maritime Security needs in all dimensions. The strategy was validated and adopted by the EAC Council of Ministers at their 28th Meeting held on 29th November 2013. The implementation of the Strategy is in progress.

3.7 Other Policy instruments

- 1 The Community is alive to governance challenges such as corruption and politics of exclusion, among others, which undermine the promotion of justice and offers recourse to opportunistic and illegitimate avenues to seek answers. In accordance with Article 6(d) of the Treaty which provides for "good governance, including adherence to the principle of democracy, rule of law, accountability, transparency among others", the Community is negotiating a Protocol on good governance, which once concluded will compliment other policy prescriptions already in place.

3.8 Cross Regional Cooperation and Coordination

- 1 The EAC continues to collaborate with the Africa Union and other regional organizations including IGAD, COMESA, SADC, the Indian Ocean Commission (IOC), the International Conference on the Great Lakes Region (ICGLR), the Regional Centre on Small Arms (RECSEA). Cooperation arrangements also exist with some independent and specialized stakeholders. For example, the Institute for Security Studies (ISS) is assisting with the development of research capacity and implementation of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) Protocol on Cattle Rustling, the INTERPOL is assisting on matters of transnational crimes; and the Eastern and Southern

Africa Anti Money Laundering Group (ESAAMLG) is supporting initiatives aimed at fighting on anti-money laundering. These collective efforts are critical, taking into account the potential for insecurity to derail the integration if commensurate measures are not taken.

3.9 Foreign Policy Coordination

- 1 With regard to foreign policy matters, implementation of the Protocol on Foreign Policy Coordination which was signed in December 2010 is yet to enter into force, awaiting ratification by the United Republic of Tanzania. That notwithstanding, beyond the Protocol's implied coordination of their respective foreign policies, Partner States have agreed that they identify areas in which to adopt regional foreign policy positions and a report will be presented on the matter in due course. The Community is alive to and continues to follow through on commitments already entered into by the Partner States at other fora, like the Africa Union and at the United Nations level, whose effect complements the EAC integration agenda. For example, in the development and implementation of the EAC strategic policy frameworks, like EAC Vision 2050 and the next EAC Development Strategy, the mainstreaming and articulation of the continental integration aspirations contained in Africa Union Agenda 2063 as well as the global 2030 Sustainable

Development Goals (SDGs) will remain integral to the EAC foreign policy pursuits.

4.0 DEFENCE MATTERS

- 1 Article 123(4) (e) of the Treaty calls for the coordination of the defence policies of the Partner States. It will be recalled that on 30th November 2001, the Partner States' Heads of States signed a Memorandum of Understanding (MoU) on Cooperation in Defence which serves as the primary framework for defence cooperation.
- 2 The MoU provided for cooperation in four areas including military training which entails offering vacancies at each other's military training institutions and facilities for training of personnel and any other jointly agreed upon purpose, joint conferences and training seminars, exchange of students and directing staff, training in joint peace keeping operations and harmonization of syllabi and guidelines in regard to peace support operations, and joint training exercises in disaster management and search and rescue operations.
- 3 The MoU offered a platform for confidence building while opening a path towards closer cooperation. On 28th April, 2012, the MoU was upgraded to the East African Community Protocol on Cooperation in Defence Affairs "the Protocol". The Protocol has been ratified by all the Partner States and entered into force

on 19th November, 2015 after respective instruments of ratification were deposited with the EAC Secretary General in accordance with Article 26 of the Protocol.

- 4 The Protocol has deepened the levels and widened the areas of cooperation and better understanding by the Partner States of each other's defence systems and processes, thereby leading towards a better process of coordination of the defence policies. The Protocol, therefore, provides a good building block for the coordination of the defence policies of the Partner States.
- 5 The Partner States have committed to negotiating a Mutual Defence Pact after the Protocol has entered into force. In that regard, in 2014 and 2015 an EAC delegation conducted a benchmarking visit to the Headquarters of the African Union (AU), European Union (EU), Southern African Development Community (SADC), North Atlantic Treaty Organization (NATO) and United States Africa Command (AFRICOM) with a purpose of learning the processes, these organizations had undergone in formulating their respective common or mutual defences. Based on the findings from the benchmarking visit, the Partner States are in the process of negotiating an EAC Mutual Defence Pact.
- 6 With the increasing threat of terrorism, Partner States have also established a Regional Defence Counter Terrorism Centre (RDCTC) in Nairobi, Kenya to deal with the threat of terrorism and

other related regional security threats. The centre continues to share and disseminate intelligence on regional threats.

- 7 Furthermore, within the framework of the established undertakings, the EAC Partner States have conducted several Joint Field Training Exercises (FTX) and Command Post Exercises (CPX) code named "Ushirikiano Imara" during the period in review on rotational basis. The last FTX were conducted in Bujumbura, Republic of Burundi in October, 2014 and CPX in Nairobi, Republic of Kenya in March-April, 2016. The Exercises involved the military, police and civilian components and were wholly conceived, organized and fully funded by the Partner States. FTX and CPX are designed to equip the EAC Armed Forces with skills and cooperation to deal with complex security challenges. The exercises were based on the themes; peace support operations, disaster and crisis management, counter terrorism and counter piracy.
- 8 The Partner States have formulated Standard Operating Procedures (SOPs) for Peace Support Operations, Disaster Management, Counter Terrorism and Counter Piracy. These SOPs have been used and tested in the FTX and CPX to harmonize operations and drills when working in a combined/joint environment.
- 9 In an effort to foster the *spirit de corps* and solidarity among the EAC Armed Forces and to promote peace through sports and

culture, the Partner States have continued to organize annual EAC Military Games and Cultural Events on a rotational basis. The latest was the 9th EAC Military Games and Cultural Event, which was conducted in Kampala, Republic of Uganda in August, 2015.

5.0 CONSTRAINTS

- 1 The delayed ratification of the protocols and associated mechanisms under peace, security and foreign policy and, by implication, the delayed implementation of the provisions therein, restricts the operational space necessary for the region's response interventions;
- 2 Absence of a rapid response decision making process on Peace and Security matters; and
- 3 Donor dependence for peace and security programs.

6.0 RECOMMENDED MEASURES ON CONSTRAINTS

- 1 The Council directed Partner States to ratify all pending protocols and deposit instruments of ratification with the Secretary General.
- 2 The Council is working on modalities for a rapid response on decision making process on Peace and Security matters.
- 3 The Council is committed to fund peace and security programs.