

Laid on Table
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Agreed



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**REPORT OF EALA SENSITISATION ACTIVITIES IN EAC PARTNER STATES,
OCTOBER 27TH TO 7TH NOVEMBER 2016**

THEME: EAC INTEGRATION AGENDA: ACCESSING THE GAINS

**CLERK'S CHAMBERS
EAC HEADQUARTERS' BUILDING
EALA WING, 3RD FLOOR
ARUSHA, TANZANIA
UNITED REPUBLIC OF TANZANIA**

NOVEMBER 2016

1.0 BACKGROUND

The East African Community was established on 30th November 1999 following the signing of the Treaty for its establishment. Since then, several achievements, challenges and opportunities have been registered in the economic, political and socio-cultural sectors.

EALA as an Organ of the Community mandated by Article 49 for the Treaty, was inaugurated in November 2001. To date, the Assembly has established itself into a strong and effective regional legislature and registered a number of achievements. It has continued to fulfill its core legislative, oversight and representation functions in a various ways as follows:

1.1 EALA's Achievements

- (i) On legislative role, the Assembly has passed over 50 pieces of legislation which are very fundamental in the EAC integration process;
- (ii) In its representative role, the Assembly serves as link between the institutions of the East African Community and the people of East Africa. It has done this through receiving and processing petitions, Public Hearings, workshops, seminars, and public rallies;
- (iii) The oversight role, the Assembly has interrogated public policies and public funds earmarked to pursue these policies to ensure efficiency and effectiveness, fairness and equity in their administration or implementation. This is done through on-spot assessment activities, demand for regular progress reports on the implementation of the various programmes and projects from respective departments of the EAC Secretariat and Council of Ministers;
- (iv) On Budgetary oversight role, the Assembly has provided direction on the EAC spending and allocation of resources as provided by Article 132 (5) of the Treaty. The Assembly debates, allocates and approves the resources in line with the priorities of the Community;
- (v) Article 134 (3) of the Treaty empowers the Assembly to debate the report of the Audit Commission on the Accounts of the Community. EALA has played this role and the various actions and recommendations that have been made continue to cause positive impact in the management of the EAC's finances;
- (vi) In terms of outreach, the Assembly has undertaken tours and outreach programmes in the Partner States, visited people in areas, business community, scholars, civil societies, professional associations among others to consider their views;
- (vii) Further, the Assembly has been able to reach out to international bodies by making alliances in order to participate and contribute to international issues. As a result, EALA is a Member and has observer status with the following parliamentary organizations: the International Parliamentary Union (IPU), Commonwealth parliamentary Association (CPA), ACP-EU and African Parliamentary Union (APU), Pan-African Parliament (PAP) and Economic Community for West African States – Parliamentary Forum (ECOWAS-PF);
- (viii) The Assembly has also been successful in the area of liaison with National Assemblies of Partner States through various forums such as Speakers Bureau, Inter Parliamentary games, Nanyuki Series and National Assembly Committees on EAC Affairs among others.

1.2 Achievements in the integration process 1999-2016

Since the establishment of the EAC following the signing of the Treaty on November 30th, 1999 several achievements and attendant challenges have been registered in the economic, political and socio-cultural sectors. These achievements include:

1.2.1 Economic Benefits

- (i) Establishment of the East African Community Customs Union, has led to increase of intra-regional trade through the establishment of; the single Customs territory, One stop border Posts, the removal of non-tariff barriers (NTBs);
- (ii) Establishment of the East African Community Common Market which guarantees the following freedoms and rights: Free movement of Labour, Free movement of Persons, Free movement of Capital, Free movement of Goods and Services, Right of Residence, and Right of Establishment;
- (ix) The signing of the Monetary Union Protocol in November 30th, 2013, which will lead the region to a single currency in 2024;
- (iii) Laying of the foundation for establishment of the Political Federation by Partner States initiating the process of drafting the constitution for East African Political Federation. National consultations on the model structure, roadmap and action plan are ongoing;
- (iv) Joint infrastructure development projects (e.g. Arusha-Namanga-Athi River Road and the standard gauge railway both for the northern and central corridors).

1.2.2 Social/Cultural Achievements

- (i) Adoption of the EAC Anthem "Wimbo wa Jumuiya ya Afrika Mashariki" in 2010 and its popularization in the Community;
- (ii) Operationalization of the East African passport and abolition of the visa requirements for the citizen of the East African Community Implementation of seven-day grace period for personal motor vehicles crossing national borders of the EAC Partner States;
- (iii) Establishment of special immigration counters for East Africans at ports of entry;
- (iv) Issuance of temporary travel documents to facilitate travel within the region by EAC citizens;
- (v) Harmonization of immigration forms at ports of entry;
- (vi) Harmonization of educational curricula, examinations, standards, certification and accreditation of educational and training institutions to facilitate recognition of academic qualifications;
- (vii) Conduct of the annual EAC Military Sports and Culture Week;
- (viii) Jumuiya ya Afrika Mashariki Utamaduni Festival (JAMAFEST) it's a biennial Arts and Culture Festival held on a rotational basis among the Partner States.

1.2.3 Political/Security/Defense Achievements

- (i) Signing of the Treaty for the Establishment of the East African Community in 1999;
- (ii) Joint military exercises by EAC Partner States Defense Forces;
- (iii) Establishment of fora for chiefs of Police, Directors of CID and Directors of Operations and Intelligence to coordinate peace and security matters;

- (iv) Joint patrols, sharing of criminal intelligence and surveillance to combat cross-border crime;
- (v) Establishment of Ministries responsible for EAC Affairs in all Partner States to coordinate and sensitize the public on the integration process.

1.2.4 Institutional Achievements

Article 9 of the Treaty for the Establishment of the East African Community, the following Organs and institutions were established:

- (i) Establishment of the East African Court of Justice (EACJ);
- (ii) Establishment of the East African Legislative Assembly (EALA);
- (iii) Establishment of the East African Science and Technology Commission;
- (iv) Establishment of the East African Kiswahili Commission (EAKC);
- (v) Establishment of the East African Health Research Commission (EAHRC);
- (vi) Establishment of the EAC Civil Aviation Safety and Security Oversight Agency (CASSOA);
- (vii) Lake Victoria Fisheries Organisation (LVFO);
- (viii) Establishment of Lake Victoria Basin Commission (LVBC);
- (ix) Inter-University Council for East Africa (IUCEA);
- (x) East African Development Bank (EADB).

1.3 Challenges in the EAC Integration Process

- (i) The overlapping REC's memberships by partner states continue to pose harmonization and coordination challenges;
- (ii) Lack of political commitment among partner states;
- (iii) Weak institutions that lack the capacity to enforce sanctions against partner states that fail to implement protocols. The selection process of the members of these institutions is not democratic as they are handpicked by partner states with the absence of the citizens' views;
- (iv) Non-Trade barriers (NTBs);
- (v) Poor infrastructure and Energy shortages;
- (vi) Limited private sector engagement is an impediment to economic growth in the region;
- (vii) The biggest challenge is the issue of peace and security. Civil strife and political instability in Burundi, South Sudan and Somalia continue to impact negatively on the security and economic performance of the region;
- (viii) Corruption remains a major challenge in the region as most EAC partner states appear to have lost the war against official graft.

2.0 SENSITIZATION ACTIVITY

One of the ways in which the Assembly has performed its functions, is the undertaking to perform an activity sensitization in all EAC Partner States.

The current sensitization was a continuation of the previous one that was undertaken in April 2016, which also emanated from the policy guidance by the Summit and the decision of the Assembly's Commission to reach out to the people of East Africa as part of their representatives, which was also in accordance with its EALA Strategic Plan (2013-2018) that

is based on a people-centered approach. The sensitization was carried out from October 27th to 7th November 2016 under the Theme: EAC Integration agenda: Accessing the gains.

2.1 OBJECTIVES OF THE SENSITIZATION

- (i) To sensitize the people of East Africa on the integration process;
- (ii) To create awareness among the people of East Africa on the gains and challenges of integration;
- (iii) To Enhance mutual relationships and sustainable networking between EALA and the people of East Africa;
- (iv) To promote liaison with EAC National Assemblies and Key Stakeholders;
- (v) To inform the people of East Africa on the role of EALA in the integration process;
- (vi) To get the feedback and recommendations on the integration.

2.2 METHODOLOGY OF THE SENSITISATION

The Chapters employed the following approaches while undertaking the sensitization activities;

- (i) Chapters held planning meetings to deliberate on the modalities of the how and where to conduct the sensitization;
- (ii) Chapters held press conferences to inform the public on the objectives of the sensitization;
- (iii) Chapters held discussion with different media houses on the EAC Integration;
- (iv) Chapters distributed brochures on the EAC Integration process, and handed over various materials like EAC Flag and Anthem to the Stakeholders;
- (v) Chapters conducted interactive sessions with the Parliamentarians, Local Government Authorities, Civil Society Organisations, and Private Sector among other stakeholders;
- (vi) Conducted sensitisation programs in the Higher Learning Institutions;
- (vii) Chapters conducted field visits;
- (viii) Chapters made courtesy call different dignitaries and held roundtable meetings.

2.2.1 Stakeholders of the Sensitization

During the sensitization program, The EALA Country Chapters engaged the following stakeholders: Media, Local Government Authorities, Institutions of learning, Private Sector, Civil Society, Members of Parliament, Border Communities, Government Institutions, High Level dignitaries in Government, Ministries including Ministries responsible for EAC Affairs in all Partner States coordinated this activity to identify and access the target stakeholders.

2.3 EXPECTED OUTCOMES OF THE SENSITIZATION

- (i) Sensitization of EAC people on the overall integration process;
- (ii) Promotion of liaison with EAC National Assemblies and Key Stakeholders;
- (iii) Creation of awareness among the people of East Africa on the gains and challenges of integration;
- (iv) Enhancement of mutual relationships and sustainable networking between EALA and the people of East Africa;
- (v) Informed people of EAC on the role of EALA in the integration process

2.4 FINDINGS OF THE SENSITIZATION

2.4.1 BURUNDI

In Burundi, the following Members participated in the sensitization activities:

Hon. Emerence Bucumi, Chairperson of Burundi Chapter, Hon. Isabelle Ndahayo, Member, Hon. Leonce Ndarubagiye, Member, Hon. Emmanuel Nengo, Member, Hon. Jean Marie Muhirwa, Member, and Ms. Beatrice Ndayizeye - Secretary to the Delegation.

(a) Courtesy call on the Right. Hon. President of the National Assembly of Burundi

The Hon. President of the National Assembly appreciated the visit by EALA Members and Members briefed him about the objective of the visit. They informed him on activities undertaken by EALA during the Sessions of August to September and that of October 2016. He appreciated the fact that they report back to him.

In their interaction, the Hon. Speaker of the National Assembly raised the following points:

- (i) The need to have a broadcasting program in the National Radio and Television on EAC Integration;
- (ii) the need for the continuation of media coverage on EAC integration process especially on the important exercise being done by EALA Members including sensitisation.
- (iii) the need for the Ministry at the President's Office on EAC Affairs to implement article 65 (a) of the Treaty in order to strengthen communication and fast track procedures

He also pointed out challenges faced in regard with harmonizing National Laws with EAC Acts;

In the same interaction, the visit of EALA Speaker to Burundi was evoked as a good opportunity to talk about isolation of Burundi by EALA. Then, there is need for Burundi Chapter to be always facilitated by EALA in all its activities like other chapters, not just during sensitization.

(b) Courtesy call on the Minister at the president's office in charge of EAC Affairs

The objective was to inform the Minister on the third round of sensitization, the target groups and the activities to be undertaken, among which, Public Hearings on two EALA pending Bills. They reminded her the challenges Burundi Chapter is facing by working alone without support by EALA. They thanked her for always availing an officer from her Ministry to support them. The Senate should also be involved mainly because it has a standing Committee on EAC Affairs. The Members recommended strengthening the cooperation between the Ministry and the National Assembly.

(c) Courtesy call on Local Leaders' Association (ABELO)

Burundi Chapter met the ABELO representatives at their office in Bujumbura. The Chairperson of this association presented ABELO mandate to Members.

This Association was created in 2008. The main role of this Association is to contribute in capacity building of Communes and all local elected leaders for the sustainable development of local entities. The following are issues they raised:

- (i) The Association is very supportive to the integration process; ABELO appreciated the visit by EALA Members and found it as an eye – opener on EAC Integration as they did not have useful information;
- (ii) ABELO requested Chapter Members to help them to learn from similar Associations from EAC Partner States; to this end, Members of the Association requested EALA Members to get for them information from EAC Partner States on Decentralization as they are in the process towards it; they were requested equally to get information on how similar Associations mobilize funds for their self-sufficiency and learn from it and get for them model laws on decentralization;
- (iii) ABELO requested to be always involved in the Public Hearings on EAC Laws whenever needed;
- (iv) The EAC Ministry should involve ABELO in its sensitization exercise so that it can relay information to all communes of the country;
- (v) ABELO should get all EAC enacted laws as it is done for all Ministries;
- (vi) There should be synergy between ABELO and EALA Members as they all represent the population;
- (vii) ABELO agreed to relay the information they received from EALA Members to the population and they agreed to invite in the future EALA Members to come and talk to leaders during its General Assembly.

(d) Interactive session with the Media

This interaction was preceded by a press statement, which was read by the chair of the Burundi chapter, Hon. Emerence Bucumi. The following were issues raised by the media:

- (i) They recommended coverage of all exchanges with the target groups so that they can share with all citizens;
- (ii) They wanted to know what Burundi is doing to gain more from integration; the answer was that they have to be informed on all laws that allow them to gain in various areas like education and doing business in the region among others;
- (iii) They wanted to know why the FGM law comes to Burundi when these practices are not observed in Burundi; they were told that it is a way of protecting the population from being influenced by bad practices, which come with new cultures coming in with free movements of people. Bad practices have to be avoided and good ones to be emulated. The FGM law comes to protect Human Rights of women. Members informed the media that the FGM Bill has to be supported by Burundians as claims for human rights and fights against transmittable diseases.

(e) Courtesy call on the Governor of Muyinga Province, Madam Aline Manirabarusha

Members visited Kobero One Stop Border Post between Burundi and the United Republic of Tanzania, in the northern part of Burundi. Prior to this field visit, they paid a courtesy call on the governor of Muyinga where Kobero is located. The following observations were raised:

- i. It was mentioned that before Burundi entered into EAC, there was too much smuggling at Muyinga border which has since stopped;
- ii. Advantages of integration are visible mainly through non-payment of visa fees and free movement is a reality near the border. People from both sides cross without Identity Cards and go back;
- iii. The country has gained a lot in terms of tax collection looking at money collected by Burundi Revenue Authority compared to before;
- iv. It was pointed out that refugees were returning back home to Burundi and found their property safe. It was further noted that there has been effects of climate change in Kirundo province, which unfortunately caused famine to people, forcing them to cross the border from Burundi to Tanzania. However, whenever they arrive, they claim to be running away from the political situation.

(f) Field visit and interactive session with Customs and Revenue Authorities and small business Communities at Kobero One Stop Border Post

Members met the Director of Customs and the person responsible for fighting smuggling. He said that due to introduction of the EAC Single Customs Territory systems that allow, the clearance of imported goods to directly from the point of entry (Dar Es Salaam).

It was observed that taxes on main products like maize and beans have reduced from 18% to 10%.

The use of GPS in tracking movement of goods is indeed a milestone and salaries for personnel have increased so as to motivate staff members. Fraud has also reduced according to authorities found in place.

The following are the challenges they raised:

- (i) The non- harmonization of working hours in EAC;
- (ii) They are not using the same system with EAC Partner States in tracking goods, which requires the need to harmonize systems;
- (iii) Language is another barrier for business communities because the documents they use are in the English language which they do not understand. There is therefore need to have them translated into French and Kiswahili.

While interacting with small business communities, the following were observations pointed out:

- i. It takes longer and costly to get a certificate of origin at the border. More so, unrecognised certificates of origin are being issued at this border;
- ii. There was a complaint by drivers that owners of trucks delay to clear their goods which has a cost implication;
- iii. Business communities reported that there are delays occasioned by limited number of personnel available over the weekend;
- iv. It was observed that business communities are ignorant about price variation problem, until they get clarification from Burundi Revenue Authority; Members recommends therefore that these communities should be regularly informed on variation of prices.

(g) Interactive session with university students and their Professors at University of Ngozi

The interaction brought together over 600 participants including students, lecturers and staff members. At the meeting the following observations were made:

- i. They wish to see tangible gains resulting from the membership of Burundi in EAC with regards to education opportunities and employment;
- ii. They need more clarification on harmonization of school fees.
- iii. Students complained about the high rate of unemployment in EAC;
- iv. Students requested Members to inform them on possibilities in EAC Secretariat to fund youth projects;
- v. Students complained about the language used in the Community and asked when Kiswahili will start functioning; They requested to get dictionaries and books in Kiswahili;
- vi. Students were concerned about the loss of sovereignty once political federation is in place;
- vii. Students needed to know how the Community handles disputes between EAC Partner States because they found it as a threat to its continuity;
- viii. They recommend establishment of Inter-University Network among EAC students;
- ix. There should be free movement of Lecturers through professional Networks between Universities in the region;

(h) Public Hearings on two EALA pending Bills: the EAC Prohibition of Genital Mutilation Bill and the EAC Whistle blower Protection Bill.

EALA Burundi delegation Members included in their program, public hearings on the captioned Bills. They agreed to meet stakeholders from various relevant Ministries to brief them on these laws to get their views on how these laws can be improved. The key stakeholders identified were the following:

- (i) Parliamentarians from Social Affairs Committees of the Chambers of Parliament;

- (ii) Representatives (one from the Following Ministries: EAC Affairs, Justice, Gender, Solidarity and Human Rights (3 people), Culture, Youth and Sports, Health and Fight against HIV/AIDS as well as Women's Forum.

After presentations on the two Bills by EALA Members, the following came out:

- i. Stakeholders complained that they were informed on short notice and they did not get enough time to look into the two laws;
- ii. Stakeholders wondered why FGM Law yet the practices stipulated in it do not exist in Burundi. Members responded that the context offered by Common Market Protocol allows free movements, people move with their cultures and can influence Burundians; Members said that the Law aims at fighting against bad practices and human rights violation. Furthermore, EALA enacts, not only for Burundi, but for all EAC Partner States and there are such bad practices in some EAC Partner States;
- iii. Stakeholders further observed other practices like "pulling" in some EAC Partner States, but which are not stipulated in the law. Members informed stakeholders that "pulling", has not been reported as a bad practice, a reason as to why it not included in the Bill.

(i) Specific Observations

From the interactive sessions with stakeholders, the Members of EALA delegation observed the following:

- (i) The sensitization and outreach activity was appreciated by all stakeholders interacted with;
- (ii) Burundians need to open – up, change their mind-set and start to travel in EAC Partner States to assess opportunities and start engaging in entrepreneurship.
- (iii) Limited knowledge about the integration by the majority of stakeholders; therefore sensitisation should be continuous.
- (iv) Students are very enthusiastic about being part of a big Community and want the EAC to bring tangible gains to Partner States;
- (v) There is a keen interest of the students to get thorough information related to EAC and the laws it enacts.
- (vi) Stakeholders interacted with are keen to reap the gains offered by the regional integration mainly the youth who need to study the programs they wish in EAC Partner States and business communities to engage more in businesses.
- (vii) There is need for a regular update by EALA Members on laws being enacted at regional level to allow stakeholders to be up to date.
- (viii) It was observed that EALA has suspended all its activities on Burundi ground!

(j) Specific Recommendations

- 1. EALA should work closely with local government associations in the sensitization and outreach exercise to be able to reach citizens at the grassroots.
- 2. Burundi Revenue Authority should increase personnel during weekend to be able to fast track goods clearance at the Kobero Border Post.

3. EAC should ensure strict adherence to proper use of certificates of origin at the border posts.
4. EALA should bring back its activities to Burundi as it is being done for other Partner States.
5. Urge the government of Burundi to increase sensitization programs to its citizens to change the mind-set and become pro-active in entrepreneurship and start to export in other EAC Partner States what it is available in Burundi.
6. Urge the Council of Ministers to fast track the decision of Summit to consider French as one of the official language of the Community.
7. Urge EAC Partner States to harmonize systems in tracking movement of goods.
8. Recommend a strong cooperation between EALA and National Assemblies as required by article 65 of the Treaty for the establishment of the East African Community.
9. Recommend the media and schools to teach the EAC anthem to citizens of Burundi;
10. Urge private Universities to teach the English language to their students and encourage them to use more internet to reach information related to EAC Integration;

2.4.2 KENYA

The EALA Sensitization activity was undertaken by a delegation which comprised of the following Members; Hon. Nancy Abisai - Leader of Delegation, Hon. AbuBakr Ogle, Hon. Abubakar Zein Abubakar, Hon. Judith Pareno, Hon. Sara T. Bonaya, Hon. Mumbi Ng'aru, Hon. Saoli Ole Nkanae, Hon. Peter M. Mathuki, Hon. Joseph O. Kiangoi, Hon. Jeremie Ngendakumana, and Ms. Anastacia Mbeba – Secretary to the Delegation. This delegation engaged various stakeholders where observations and recommendations emerged:

(a) Courtesy call on the Cabinet Secretary for Interior and Coordination of National Government

The Minister, Hon. Joseph Nkaissery, appreciated the visit and Members congratulated him on his appointment to this docket. The Kenyan Chapter Members briefed the Cabinet Secretary (CS) on the role and mandate of EALA. They informed him about the activities being carried out by the Assembly. They also gave a brief history of the sensitisation programme, how it began, where it is currently, and the achievements it has realised so far.

The Members engaged the Cabinet Secretary on issues regarding peace and security in the region with emphasis being put on the many hotspots in the country, for instance, the North Eastern part of Kenya.

The team also discussed illegal activities that have been taking place in the borders.

The issue of insecurity in South Sudan was raised and Members requested the Cabinet Secretary to urge the Government of Kenya to come up with legal instruments to intervene on this matter.

Members urged the Cabinet Secretary to pass a message to the Head of State so that he can give a message of hope to all East Africans during the coming plenary sitting in Nairobi.

The Members also implored upon the Cabinet Secretary to discuss with their counterparts about the issue of the EAC Peace and Security Protocol, which Burundi has not yet ratified to with his EAC counterparts.

(b) Courtesy call on the Director General, Immigration and Registration of Persons

This Department deals with processing of passports, visas, work permits and border management. They regulate entries, exits and foreign investment, maintenance and safe retrieval of documents.

The Department issues work permits to foreigners coming in for either employment or business. The Department also issues student passes. They also allow citizenship for people who come from countries where dual citizenship is allowed. Below are the issues that were highlighted:

(i) The E-Passport

The E-passport is aimed at simplifying travel in the region. This passport has enhanced security features and is also aimed at improving the security situation in the region.

The Director General informed the EALA team that his department was ready to start effecting the use of the E-Passports, Come 1st January 2017. The department has already purchased machines for processing these passports, he further informed Members that the E-passports would enhance security issues.

The e-passports will be fully digitized and will incorporate biometric security, making it fully compliant with international best practice and, therefore, accepted at border controls all over the world.

Owing to these security features, the new passport will make it easier to negotiate visa-free access to other countries. The common passport also reaffirms the right of residence and establishment of all EAC citizens.

(ii) One Stop Border Posts

Among the many initiatives implemented is the One Stop Border Post (OSBP) concept, which has boosted trade facilitation across borders by harmonizing border control regulations and procedures and, thus, enabling expeditious and more effective border control mechanisms.

(iii) Border Management

The department ensures that all the borders posts are properly manned. However due to porous nature, these borders turn out to be conflict areas such as those between Kenya and Somalia.

Kenya has taken a lead in attending to issues regarding the EAC integration agenda, and the immigration department has contributed to this through professional and effective services.

Specific Recommendations:

- (i) The Department should approach EALA so as to pass laws that affect the region.
- (ii) There should be accelerated harmonisation of immigration laws in all Partner States in terms of work permits, free movement of persons, capital and so on.
- (iii) Members encouraged the Department to go ahead and implement the use of the E-passports through the application of the variable geometry which is provided for under the EAC Treaty.

Members complimented the Department for taking steps to register the Makonde people who make up a population of about 2,000 people in Kenya. These people came into the country as sisal labourers but have been living without any form of identification.

(c) Courtesy call on the Communications Commission of Kenya (CCK)

The Communications Commission of Kenya is the regulatory authority for the communications sector in Kenya.

Legal Mandate

Established in 1999 by the Kenya Information and Communications Act, 1998, the Authority is responsible for facilitating the development of the Information and Communications sectors including; broadcasting, multimedia, telecommunications, electronic commerce, postal and courier services.

After promulgation of the new Constitution 2010, the legal mandate of CCK was expanded. As a result the organisation did rebranding and became Communications Commission.

Their responsibility entails:

- (i) Licensing all systems and services in the communications industry, including; telecommunications, postal, courier and broadcasting;
- (ii) Managing the country's frequency spectrum and numbering resources;
- (iii) Facilitating the development of e-commerce;
- (iv) Approving and accepting communications equipment meant for use in the country;
- (v) Protecting consumer rights within the communications environment;
- (vi) Managing competition within the sector to ensure a level playing ground for all players;

- (vii) Regulating retail and wholesale tariffs for communications services;
- (viii) Managing the universal access fund to facilitate access to communications services by all in Kenya;
- (ix) Monitoring the activities of licensees to enforce compliance with the license terms and conditions as well as the law.

It was also observed that the affiliated international bodies include; International Telecommunications Union (ITU); Commonwealth Telecommunications Organization (CTO); African Telecommunication Union (ATU); Universal Postal Union (UPU); Pan-African Postal Union (PAPU); Association of Regulators of Information and Communication In Eastern Africa (ARICEA); African Advanced Level Telecommunications Institute (AFRALTI); Vision 2030; and, East African Communication Organization (EACO). The following issues were discussed:

a) Harmonisation of ICT Policies and Regulations

In order to achieve the objectives of the EAC Common Market Protocol with respect to ICT sector, it is necessary that ICT policies, laws and regulations across the Partner States are harmonised. Consequently, the development of harmonized policies and regulations is in progress. Priority areas for harmonization include licensing, tariff regulation, interconnections, numbering, and spectrum management. Currently, a work plan for the assignment has been developed, and the process of developing EAC cross-border interconnections regulations is at an advanced stage.

b) Harmonization of Mobile Roaming Charges within the EAC.

In response to concerns on the high cost of mobile roaming charges within the EAC, the CA has developed a Harmonized Framework for Mobile Roaming Charges. The Framework imposes tariff caps on the telecommunications traffic originating and terminating within the EAC. Full implementation of the Framework is expected to be complete by October 2015.

c) Consumer Education

The Commission carries out Consumer Education Outreach Programmes that aim to empower consumers by providing them with relevant information as an effective mechanism to protect and help them make informed choices when purchasing and using ICT.

The Commission has in the past carried out consumer education outreach programmes targeting users of mobile and Internet services through a campaign dubbed 'Chukua Hatua' and another targeting Postal/Courier Consumers dubbed 'Kaa Macho'.

Other consumer awareness initiatives that the Authority has carried out focused on Registration of SIM Cards, Mobile Number Portability, Anti-Counterfeit campaign, Migration from analogue to digital broadcasting, and Universal Access projects by the Authority.

d) Regulation of Media Content

it was observed that The Communications Commission of Kenya also regulates broadcast content. The Communications Commission of Kenya is also mandated to license all broadcasting service providers in accordance with the Kenya Information and Communications (Amendment) Act, 2013.

In accordance with provisions of Section 46C of the Kenya Information and Communications Act, 1998, it is illegal to provide any form of broadcasting service in Kenya without a license. Contravention of this law attracts a fine not exceeding Kshs. 1, 000,000 or imprisonment for a term not exceeding three years or both.

Specific Observations:

After the break up of the former EAC, the ICT section of the EAC continued to operate. East African Communications Organisation (EACO) was then established to deal with issues of common interest in the EAC Partner States. There are always teams that meet to discuss different issues affecting the region. A cordial relationship has always existed among the Partner States.

It was observed that the Roaming charges are still very high in the region. EACO recently started carrying out feasibility studies that should help lower these rates. However, while conducting this exercise, EACO fell into financial crisis and this exercise had to be halted.

Registration of sim cards, All the EAC Partner States should regularise the registration of all sim cards owned by its citizens to cut down on possible crime. It was observed that a person can easily commit a crime in one Partner State and relocate to another Partner State. All Partner States, therefore, should establish laws regarding registration of sim cards. It was further observed that although EACO has been doing this, the organisation is still an observer in the EAC since its members are private companies. The organisation is able to track down messages sent through mobile phones, which can incite the public.

Cyber Crime, This is a crime perpetuated through mobile phones like kidnapping, extortion and political messaging, manipulation of phone numbers (this is where someone disguises their number and when they call you a different number other than the one they are using appears). These illegal connections should be stopped in all the five Partner States.

There is also non-harmonisation of the registration of simcards due to lack on non-machine readable identity cards in some EAC Partner States.

Specific Recommendations:

All the five Partner States should implement the universal sim card registration to stop crime in the region. The Communications Commission of Kenya should work with the Ministry responsible for EAC Affairs as its collaborator so as to deal with issues of compliance. The Commission should also collaborate with the security systems to reduce on cyber crime.

Members appreciated that the Commission is not facing very many challenges in the region since most issues concerning the region are addressed through EACO. The organisation is working in collaboration with other agencies like the National Cohesion and Integration Commission (NCIC). The Commission is working with its peers from Partner States to improve on communications network.

EALA should come up with legislation or a legal framework to ensure registration of all sim cards in all Partner States. This can be done either in the form of a council Bill or a Private Member's Bill.

2.4.3 RWANDA.

The sensitization activity in Rwanda was carried out by the delegation which comprised of the following members; Hon. Patricia Hajabakiga - Leader of Delegation, Hon. Oda Gasinzigwa, Hon. Dr. James Ndahiro, Hon. Xavier Francois Kalinda, Hon. Dr. Odette Nyiramilimo, Hon. Pierre Celestin Rwigema, Hon. Martin Ngoga, Hon. Straton Ndikuryayo, Hon. Valerie Nyirahabineza, Hon. Frederic Ngenzebuhoro, and Mr. Enock Musiime Secretary to the delegation.

In a bid to successfully undertake the sensitization in Rwanda, the delegation performed various activities and engaged various stakeholders where observations and recommendations emerged:

(a) Planning Meeting.

The EALA delegation held a planning meeting on 28th October 2016. At this meeting, members designed a program for the sensitization and agreed on which places to visit and the stakeholders to engage.

(b) Courtesy Call to the Minister of East African Affairs, Trade and Industry

The EALA delegation on sensitization made a courtesy call on Hon. François Kanimba, the Minister for East African Affairs, Trade and Industry, Rwanda. EALA delegation first and foremost congratulated him for his recent appointment to the Ministry of EAC Affairs, and they invited him to be sworn in by EALA since he is an Ex-Official Member so as to participate fully in the activities of the Assembly.

EALA delegation highlighted the operations of EALA in collaboration with other organs and institutions of the Community including the Council of Ministers where the Minister belongs. On this note, Members observed that EALA operations are always disrupted due to a number of reasons including but not limited to; Financial Constraints, slow harmonisation and approximation of laws among others.

From the meeting, the following recommendations were made for effective operations of EALA; Treaty amendment to provide for the office of the Deputy Speaker, to fast track the finalisation of the institutional review which has lagged behind for a long time, to fast track the process of harmonisation and approximation of laws among the Partner States in order to improve and strengthen interaction between the Council of Ministers and EALA.

EALA delegation informed him about the background, nature and objectives EALA sensitization program as routine activities carried out in all Partner States. Further, the Minister was informed that these activities aim at creating awareness about the EAC integration agenda in general, and that the sensitization program was currently in its 3rd phase.

(c) Tanzania International Container Terminal Services (TICTS)

Members met the representative of TICTS based in Kigali, and he informed members that, TICTS is a private company for handling containers of goods based at the port of Dar Es Salaam. It opened a branch in Rwanda to promote awareness among traders to use the central corridor.

He further informed members that TICTS helps traders on avoiding container loss incidents and also clearing delays through cargo insurance and physical verification of goods at each stage and all times.

TICTS is well connected to Tancis a customs clearing system used by Tanzania, and he reported that Tancis is undergoing upgrading where by it will be able to interface with other systems used by other East African Partner States.

It was further revealed that Tanzania Ports Authority (TPA) has improved the efficiency and effectiveness of the port and that TPA will be opening offices in Kigali during the month of November 2016.

(d) National Monitoring Committee (NMC) on NTBs

EALA Members met the National Monitoring Committee (NMC) on Non-tariff barriers (NTBs) and the following observations were made;

- (i) The NMC concept was initiated in 2008 to operationalize Article 13 of EAC Common Market Protocol, and was established in 2011 under the funding of Trade Mark East Africa (TMEA);
- (ii) In 2011 and 2012 Rwanda signed a memorandum of understanding and established a joint border committee on NTBs, with Uganda and Tanzania respectively;
- (iii) Partner States established NMCs at National level and have so far done a tremendous job in identifying and removing the NTBs in the East Africa. However despite the good progress, some NTBs still exist while new ones come up;
- (iv) It was observed that in 2010, 45 NTBs were reported. However they increased to 136 by 2016, and out of this, 106 were resolved while 30 are still outstanding. It was said that these NTBs mostly affect the manufactured goods moving in the region.
- (v) NMC informed Members that the introduction of EAC Single Customs Territory has tremendously reduced most of the identified NTBs on both Northern Corridor and Central Corridor, and that the electronic single window is fully operational.
- (vi) Introduction and construction of OSBPs has also contributed to the reduction of the NTBs.

- (vii) Extension of working hours (24hrs) on some borders also did a great deal with regard to removal of NTBs.
- (viii) It was observed that on central corridor, Tanzania reduced the weighbridges to only three at Vigwaza, Singida and Nyakahura and congestion at the port of Mombasa was reduced;
- (ix) Roads were also upgraded both on the Northern and Central corridors;
- (x) The NMC pointed that studies were carried out and they showed that in 2010, cargo from Mombasa to Kigali would take 15 days at a cost of USD 6,595, while Dar es Salaam Kigali would take 19 days at a cost of approximately \$6,000; However, a recent study done in 2015 has shown that Cargo from Mombasa to Kigali takes only 5-6 days at a cost of USD 4,833, while from Dar es Salaam to Kigali takes 3-4 days at a cost of USD 3,600;
- (xi) NMC Members also highlighted that Trinity Public buses are now allowed to carry passengers to Dar es Salaam unlike before. However, left hand buses are not allowed and also Buses with Rwanda number plates are charged a road toll fee of \$150. Moreover these Rwandan registered buses are not allowed to load and offload passengers on the Tanzanian until the final destination. These conditions are expensive and restrictive in nature;
- (xii) It was observed that no incidents of container theft from Rwanda have been reported since April 2015 container worth \$ 1 Million was last stolen at the Port of Dar Es Salaam. Measures that are taken to control theft include close monitoring and insurance of containers;
- (xiii) With regard to standards, it is clear that there is an existing regional law which EAC Standards, Quality Assurance, Metrology and Testing (SQMT). The application of this law is a responsibility of bureau of standards of the Partner States. However, in the United Republic of Tanzania unlike other Partner States, when goods approved by Rwanda Standards Board are further subjected to approval by Tanzania Food and drugs Authority. This results into double checks and increase the cost of doing business in terms of time and resources. It was further noted that the delays also lead expiry of goods that have short life span such as perishables;
- (xiv) Members noted with concern that the NMCs face challenges such as; resolving NTBs and re-occurrence of new ones in different nature, documentary evidence as required by Council in reporting the NTBs, and limited operational budgets to sensitize other stakeholders on how to address NTBs.

Recommendations

- (i) It was recommended that all EAC OSBPs should harmonise all the working hours and operate on a 24 hours basis to reduce more NTBs;
- (ii) NMC's should adopt an SMS feedback approach to assist in instant reporting the identified NTBs;
- (iii) NMCs should regularly update EALA on the progress of NTBs in the region;
- (iv) All standards matters should be regulated by the existing regional since it takes precedence of the national similar laws.

(e) Rwanda Standards Board (RSB)

Members of EALA visited the Rwanda Standards Board (RSB) and held a meeting with the officials of the board. At the meeting, the following observations were made;

- (i) Members were informed that RSB started in 2002 to provide services in standards, Quality Assurance, Metrology, Testing and certification. RSB follows on the above-mentioned services nationally and regionally under the guidance of the EAC Standards, Quality Assurance, Metrology and Testing Act, 2006;
- (ii) It was reported that 70% of the regional standards have been adopted while 30% are not yet adopted majorly because of slow pace of harmonisation of laws, rules and regulations;
- (iii) With regard to Calibration in Rwanda, It was noted that RSB deployed inspectors at four borders out of fifteen borders;
- (iv) It was reported with concern that products from Rwanda certified by RSB with its certification marks cannot access Tanzania Market without being subjected to Tanzania Food and Drugs Authority yet the RSB marks are recognised by all partner states' bureau of standards including Tanzania Bureau of Standards. This acts as an NTB and does not facilitate cross border trade;
- (v) It was reported that there is no accreditation body in East Africa subjecting all products that need accreditation to South Africa and European Union for that purpose;
- (vi) It was also found out that in the process of establishing an authority called Rwanda Inspection and Competition Authority (RICA). This authority will be responsible for quality assurance and certification among other responsibilities;
- (vii) It was observed that consumers in EAC are not protected from cheap poor products imported from other countries;
- (viii) It was observed that Rwanda is in the process of establishing laboratory for testing pharmaceuticals, however there are limited skills regarding standards in the region;
- (ix) It was mentioned that peer review on inter laboratory inspection comparisons at a regional level is done regularly.

Recommendations

- (i) The Council should fast track the finalisation of amending the EAC Standards, Quality Assurance, Metrology and Testing Act;
- (ii) It was recommended accreditation body should be established in the region;
- (iii) Consumer protection mechanisms should be stepped up in the region;
- (iv) Standards harmonisation processes should be given adequate budget allocations;
- (v) Education systems in EAC should include standards in the curricula to promote and enhance skills in the region.

(f) Gatuna OSBP

At the sensitization activity in Gatuna OSBP, the following observations were made;

- (i) It was observed that Gatuna OSBP is very busy with active border operations, however the OSBP facilities and structures are still under construction;

- (ii) It was observed that a lot of awareness needs to be undertaken for border communities to change their mind-set and attitude on how to use the border;
- (iii) It was further observed that there is limited space to accommodate passengers and cargo due to the terrain of Gatuna;
- (iv) The border community in Gatuna strongly desire to have a physical market where they can sell their merchandise, however it was mentioned that Ministry of EAC Affairs, Trade and Cooperatives(MINEACOM) is in the process of constructing a modern market at Gatuna Border;
- (v) It was found out that there are cross border Associations comprising of membership from both countries one of them is an Association of Money Changers. These associations even hold regular cross-border meetings to iron out cross-border challenges.
- (vi) It was observed that people from both Uganda and Rwanda can open bank accounts in either of the country's bank using identity cards;
- (vii) Use of Identity Cards has eased cross-border movements at Gatuna;
- (viii) Traders decried of the fact that Certificates of Origin for small traders that are issued at the border are being charged a fee on the Ugandan side yet they ought to be free of charge; In addition to that, they are issued by the private companies yet they are supposed to be issued by the Revenue Authority free of charge;
- (ix) Traders commended the EAC integration on the fact that customs duties on tradable products were reduced, levies on vehicles crossing to a different country were relaxed, temporary movement permits for one year are issued to travellers without Identity Cards including One Area Network whereby roaming charges were reduced;
- (x) Adequate awareness should be provided to people about the importance of owning yellow fever cards as a requirement to cross borders.

Recommendations

- (i) The construction of the physical market at Gatuna border should be fast tracked;
- (ii) Awareness on the use of Yellow fever cards should be improved among the people intending to travel across borders;
- (iii) Engage Uganda bilaterally and through cross border meetings to address the issue of the simplified certificates of origin.

(g) Rusumo OSBP

During the sensitization activities at Rusumo One Stop Border Post (Between Rwanda and Tanzania), the following observations and recommendations were noted;

- (i) The Customs Border Manager appreciated the One Stop Border Post for facilitating clearing and forwarding, which used to take 4hours but now it takes 30 minutes;
- (ii) Members were informed that vendors are charged a lot of money when they buy foodstuffs from across for their families;
- (iii) Work permit: Members were further informed that Rwanda Immigration offers free work permit to Partner States' citizens to work in Rwanda while Rwandan nationals are charged to get a work permit to work in Tanzania;

- (iv) Awareness gap: it was observed at the border community that there is still a knowledge gap regarding regional integration;
- (v) Corruption: Stakeholders complained of corruption tendencies at the border especially on the Tanzanian side where a certain amount of money is demanded in return of the services required;
- (vi) Border community portrayed ignorance about the importance of Yellow fever vaccination card;
- (vii) Period of stay: it was highlighted that Tanzania allows a limited time of below six months in their territory and fines those who exceed the given period of stay. Border Community decried that this requirement should be harmonised with other EAC Partner States;
- (viii) Trinity Transport buses with Rwandan number plates are charged \$150 while buses from Tanzania are not subjected to any fee;
- (ix) It was reported that agricultural products imported from Rwanda need to have sanitary certificate that acts as an obstacle to cross border trade.

Recommendations

- (i) Traders were encouraged to form cross border trade cooperatives to protect them from corruption, make them understand cross border laws and requirements and be easily funded by the government;
- (ii) It was recommended that a medical facility at the border should be established to vaccinate those who need yellow fever cards to cross the border;
- (iii) Ministry of local government to communicate travel requirements to the people as much as possible;
- (iv) Establishment of Information desk at the border need to be fast tracked.

(h) Akanyaru One Stop Border Post (OSBP)

While touring the border, the following observations were noted:

- (i) The Akanyaru border operates from 6:00am to 6:30pm;
- (ii) Members were informed that Burundians move freely from Burundi to Rwanda however Rwandans movement to Burundi is restricted;
- (iii) Food stuffs such as fresh fruits, vegetables and other agriculture products from Burundi to Rwanda were stopped;
- (iv) Public vehicles from Rwanda carrying passengers also restricted to enter Burundi, therefore they offload passengers at the Rwandan side;
- (v) It was noted the Akanyaru OSBP is no-longer active because the border operations are down as a result of restricted movement of people;
- (vi) Border staff for both Partner States no-longer share offices as per the operational requirements of the OSBP;
- (vii) It was observed that the construction of OSBP structures was put on halt due to insecurity.

Recommendation

EALA members committed to continue advocating at a regional level for provision of long lasting solutions to political problems that disrupt cross border operations between both countries.

(i) Nemba OSBP

While carrying out sensitization activities at Nemba OSBP (Rwanda and Burundi), the following observations were made;

The border management informed the Members that the OSBP was built in 2008 under the funding from African Development Bank with a purpose to facilitate cross border trade. It was found out that before the OSBP was built, the two border posts were approximately at 6kms apart, however since inauguration in 2009, border staff both from Rwanda and Burundi share the same building. It was further mentioned that before the OSBP the clearance procedure used to take 1h30 minutes whereas now it takes only 45 minutes or less.

The Management and coordination of activities of the OSBP alternate between Immigration Border Managers of both Partner States for six months deputized by the Counterpart.

It was observed that all staff from both Partner States share common utilities such as water and electricity. There are harmonized border standard operating procedures which act as guidelines to implement day-to-day activities. A number of challenges currently facing the border were identified as follows;

- (i) No housing, water and electricity facilities at the border;
- (ii) The border lacks a scanner;
- (iii) Burundi authorities do not allow foodstuffs and other produce from Burundi to be sold to Rwanda; neither do they accept the ones from Rwanda to Burundi. This act has disrupted cross border trade;
- (iv) Rwanda Revenue Authority informed Members that tax revenues at the border have reduced by approximately 80%;
- (v) It was mentioned that Joint Border Meetings no-longer take place due to security issues in Burundi.

2.4.4 UNITED REPUBLIC TANZANIA

In the United Republic of Tanzania the activity was conducted in Dar es Salaam and Tanga from 27th October to 7th November, 2016 by the EALA with the following Members: Hon. Charles Makongoro Nyerere – Team Leader, Hon. Twaha Taslima – Team Secretary, Hon. Nderakindo Kessy, Hon. Abdullah Mwinyi, Hon. Adam Kimbisa, Hon. Shyrose Bhanji, Hon. Maryam Ussi Yahya, Hon. Bernard Murunya, Hon. Angela Kizigha, Hon. Yves Nsabimana and Mr. Asheri Wimile Secretary to the Delegation.

(a) VISIT TO THE IMMIGRATION SERVICE DEPARTMENT

The Team visited the Immigration Services Department headquarters in Dar es Salaam for interactive meeting with the Management. The Team met with the top management of the

Department under the leadership of Acting Commissioner General of Immigration Ms. Victoria Lembeli. The meeting focused on two agenda: sensitization and discussion on the preparedness of the department in relation to the implementation of the East African Community Common Market, specifically the free movement of persons and right of establishment.

The Team made a presentation on the historical background of the East African Community, stages of integration, functions of EALA, opportunities of integration and the need to sensitize the citizens to enable them to participate in the integration agenda. On its side, the Immigration Service Department informed the Team that as a department, they have been participating in the integration process from the time of negotiating the Treaty. Specifically, they participate in the Meetings of the Forum of Chiefs of Immigration, which works under the Sectoral Council of Ministers Responsible for East African Community and Planning.

They explained that cooperation among immigration services started before the signing of the Treaty for the Establishment of the East African Community. In relation to the implementation of Common Market, Immigration is doing the following:

- a. Participated fully in the negotiation of the Protocol for the Establishment of the EAC Common Market;
- b. Amendment of the Immigration Rules to make them comply with the requirements of the Protocol for the Establishment of the Common Market;
- c. Reduced the residence fees for citizens from EAC Partner States from US\$ 2,000 to US\$ 500;
- d. Conducting training to officers especially those on the border on the requirements of the Protocol;
- e. They participated in the development of the new EAC E-Passport and the related instruments;
- f. They are Member of the National Committee on the Implementation of Common Market and the Committee on the Elimination of Non-Tariff Barriers; and
- g. Members of the Regional Committee on Elimination of Non-Tariff Barriers.

The Department also explained some of the challenges they face:

- a. The problem of illegal immigrants especially from Ethiopia, Somalia and Eritrea who enters Tanzania using other EAC Partner States;
- b. Difference of the external policies and cooperation among the EAC Partner States, for example, Ethiopians does not need visa entering Kenya while they need visa in entering Tanzania; and
- c. Increase of cross border criminal activities.

Following the interaction with the Immigration Services Department, the team observed the following:

- a. Immigration have done tremendous work in implementation of EAC integration agenda in general and Common Market Protocol in particular;

- b. The Ministry of Foreign Affairs and East African Cooperation should intensify coordination of ministries and institutions within the country; and
- c. Partner States need to cooperate more in tackling cross border and transnational criminal activities like illegal immigrants;

(b) MEETING WITH THE FORMER SPEAKER OF EALA

The Team visited the Former Speaker of EALA, Rt. Hon. Abdulrahman Kinana at his office in Dar es Salaam. The Team used that opportunity to discuss various issues relating to the integration process of the East African Community. Among the issues discussed were the Burundi crisis and the on-going peace negotiation, the slow pace in the implementation of various stages of integration, expansion of the East African Community since the joining of the Republic of South Sudan, and the role of EALA in sensitizing the citizens of EAC Partner States about the integration process, challenges and benefits.

(c) MEETING WITH THE REGIONAL COMMISSIONER FOR TANGA

At the port of Tanga, it was observed that the port is becoming more important in the EAC integration as it is going to be the final destination for the oil pipelines from Hoima Uganda, therefore the region should sensitize its citizens to prepare for the economic boom.

It was recommended that areas for investments should be planned and opened up for investors and business people especially those from the EAC.

A number of challenges facing the port were identified including the problem of illegal immigrants and the illegal importation of khat (miraa). Khat is illegal in Tanzania where it is considered as one of the illicit drug due to its proven effects to the users, however, khat is legally grown in Kenya for export. With regard to the port of Tanga, the following recommendations were made:

- a. There is need for improving the infrastructure connecting Tanga and other EAC Partner States especially rail for the optimum utilization of the Tanga Port; and
- b. There is a need for Partner States to work together in addressing some of the challenges like the problem of Khat (mirra) in the region.

(d) MEETING WITH THE BORDER AT HOROHORO BORDER

At Horohoro Border, the following observations emerged during the interaction:

- a. The building of OSBP is complete and the launching is underway, although they are still working on installing the system linkage between Tanzania and Kenya;
- b. About 15 passenger buses cross the border of Horohoro daily;
- c. Lack of facilities such as; water, cold room, ware houses, residential houses and other social services like schools and hospitals to cater for officers working at the border;
- d. Certificates of origin are issued at the border for goods that do not exceed \$2000;
- e. People are still using un-official routes (panya roads) to escape taxes regardless of the fact that goods manufactured within the EAC are not taxed;
- f. Mkinga District in Tanzania always have bilateral meetings with the Kwale District in Kenya to discuss various issues affecting the community of the two districts;

- g. The Tanzania Revenue Authority conducts education programs to small scale traders to educate them the procedures;
- h. A problem of illegal immigrants especially Somalis, Eritreans and Ethiopians was identified;
- i. The District Council is doing audit areas of investments and residents near the border in order to utilize their geographical advantage. There are plans to build a physical market at the border and they have so far allocated 1,000 plots for that purpose.
- j. Many people still uses un-official routes (panya roads) to export/import goods because of lack of awareness;
- k. Border passes are not issued at the border, hence they are forced to follow them to Tanga;
- l. Small traders especially those who are changing money are prohibited to enter the border (custom area) for business especially changing money. The Team was informed that under the OSBP Agreements no business is allowed within the Custom Territory;
- m. They complained that they are charged a fee of Tsh. 180,000 when they weight their goods at the border. It was learned that the fees is charged by the Weight and Measures Agency, though the Team could not ascertain the reason for such a fee;
- n. Some young people are taken to Kenya for religious where they end up being radicalised. For example in the 2016/2017 a total of 70 young people were rescued and their passports are confiscated by the authorities; and
- o. It was observed that around 95% of the people living there are not citizens of Tanzania but they are claimed to be citizens of Kenya. They explained that it was their grandparents who crossed the border and established themselves on the Tanzanian side, but until now they are not recognized as Tanzanians hence they are denied some of their civil rights.

Specific Recommendations

After the interactions between Members and the border community at Horohoro, the following were recommended:

- a. The EAC Summit of Heads of States should put more efforts to fast track the on-going peace negotiation for the Republic of Burundi;
- b. Partner States through their relevant ministries must take extra efforts to educate the public on the EAC integration;
- c. Governments need to construct decent houses for the officials working at borders. Equally, the related social facilities should be provided;
- d. The sensitization program by EALA should be a continuing exercise;
- e. The EAC Secretariat and Partner States need to develop systems of involving common people in the integration process; and
- f. Government officials from all relevant institutions and authorities need to be sensitized on requirements of EAC integration to enable them facilitate the process.
- g. There is a need to fast track finalization and launching of the OSBP at Horohoro;
- h. The problem of water at the Horohoro border should be solved to facilitate the operation of OSBP;

- i. The border officials should develop sensitization programs to sensitize the community the integration agenda; and
- j. Authorities at the border enforce various laws, some of which are still a hindrance to the smooth implementation of the EAC Customs Union and Common Market.

2.4.5 UGANDA

The EALA delegation that undertook sensitization in Uganda comprised of the following members; Hon. Nusura Tiperu - Leader of Delegation, Hon. Opoka Chris, Hon. Dora Byamukama, Hon. Mike Sebalu, Hon. Bernard Mulengani, Hon. Margaret Zziwa, Hon. Fred Mukasa Mbidde, Hon. Dr. Martin Nduwimana, and Ms. Gloria Nakebu-Secretary to the delegation.

In carrying out this activity, Members engaged various stakeholders and made a number of observations and recommendations:

(a) Courtesy call on the Speaker of the Parliament of Uganda

During the interaction, a number of issues were discussed which included the following among others:

- i. The Third EALA has been quite effective, but the link between EALA and the national parliaments was still weak. How to use the laws passed by EALA is still a challenge, which is being compounded by the lack of effort to amend the Treaty provisions governing the matter.
- ii. EALA needs to interact more with the Committee on EAC Affairs. EALA should ensure that all committees of EALA meet and work together with the respective committees of the national parliaments during public hearings on Bills and other oversight activities in the Partner States.
- iii. It was noted that although sensitisation and outreach programs are a relatively new idea in the EALA, it was well received among the stakeholders because the information given raised a lot of awareness on the EAC integration;
- iv. It was noted that the implementation of the EAC Common Market Protocol has registered some successes, however:
 - a) The Common Market Protocol was designed for implementation at the Partner State level, and there is no regional framework to whip the Partner States in its implementation;
 - b) Each Partner State is implementing the Protocol at its own pace, resulting in the Protocol being static in some of the Partner States;
 - c) The Principle of variable geometry adopted by the EAC means that the treatment of the EAC citizens in the Partner States is varied;
 - d) Learning of Kiswahili should be spearheaded in Uganda for competitive advantage for the Ugandans.

- v. The funding challenges that the EAC is currently facing, is caused by the Partner States delays in meeting their financial obligations. Therefore there is an urgent need to find an alternative source of funding for the EAC;
- vi. On the Bills that are currently before the Assembly, the following issues were discussed, among others:
 - a) On the Gender Bill, it was noted that EALA should benchmark with countries that have enacted similar laws like Namibia, which passed a similar law in 1999.
 - b) On the Whistle blowers Bill, it was observed that there is a need to put in place special machinery to minister rewards and the protection of witnesses because the law could be misused;
 - c) On the Female Genital Mutilation Bill, it was observed that there was still a lot to be done, and that EALA could be involved in the meeting of IGAD on FGM currently being chaired by the Rt. Hon. Speaker Kadaga.

(b) Press Conference

Following a press release issued by the EALA Working Group, the following are some of the highlights of the interaction that followed:

- i. Available statistics indicate that EAC intra trade has grown and yet the economies of all the Partner States are depreciating. The statistics are not commensurate with a positive indication within the countries and in the region;
- ii. The joining of the Republic of South Sudan into EAC was also appreciated;
- iii. It was observed that there are high number of refugees in the region and Uganda in particular; therefore there is need for a common mechanism for the management of refugees in the region. Notably, EAC Law on Disaster Risk Reduction and Management should be operationalized to help in handling the issue of refugees in the region;
- iv. It was observed that the Monetary Union and Political Federation are very ambitious stages of integration, therefore the focus should be on establishing several relevant institutions for effective implementation;
- v. The views of the people on the East African Political Federation are important;
- vi. It was noted that as the team of experts to draft the EAC Constitution is put in place, the views of the people should be sought and incorporated;
- vii. It was recommended that for EAC to address the current funding challenges, it should invoke Article 143 of the Treaty for the Establishment of the East African Community, which provides for sanctions on a Partner State that defaults in meeting its obligations. In addition, the summit directive on the alternative and sustainable funding mechanism of the Community should be fast tracked.

(c) Interaction with Uganda Chamber of Commerce

The Uganda National Chamber of Commerce and Industry (UNCCI) is the oldest nationwide umbrella organisation for the private sector in Uganda. During the meeting with EALA the UNCCI made a presentation covering what UNCCI is all about.

The UNCCI commended the EAC for the some positive effects of the Integration, however highlighted a number of challenges that need to addressd:

- i. Harmonisation of the Economic Processing Zones law;
- ii. The need to harmonise the Investment Codes in the EAC;
- iii. Expensive Air travel in the region;
- iv. Fast-tracking the review of the EAC Competition Act to deal with cross-border and multi-jurisdictional competition cases;
- v. Need to have an EAC dispute/mediation resolution centre to resolve business conflict in the region;
- vi. Harmonisation of bank rates;
- vii. Harmonisation of business financing;
- viii. The Code of Conduct for business in the region which was developed by the private sector in the EAC should be legalised;
- ix. Harmonisation of scaling and testing machines;
- x. Removal of NTBs, both those staying by commission and those staying by ignorance;
- xi. The logistical challenges that make exporting AGOA to the USA very expensive;

(d) Meeting with the Committee on EAC Affairs

At this meeting, the following observations and recommendations were highlighted:

- i. It was observed that there is need to re-orient focus on regional and international perspectives of governance. Integration is a structural aspect that is not easily appreciated by the people. There is therefore need to integrate this into the interactions of the national Members of Parliament with the people;
- ii. This is a competitive world, and to survive there is need to create viable entities that will move integration to the next level in terms of implementation of laws governing the Community;
- iii. It was pointed out that integration is all about people and facilitating them through creating mediums of exchange to allow transactions in a manner that is convenient, that is what the Monetary Union is aiming to do;
- iv. The Partner States of the Community are still operating as sovereign states, there is therefore need to ensure that they operate as an entity by ceding some of the powers to the centre;
- v. The Committee on EAC Affairs is critical, because Parliament plays a role in the integration process through representation, legislation and oversight, which is reduced into concrete actionable interventions by the EAC Committee;
- vi. The role of EAC Committee in the integration process is in the status of implementation of Council and Summit Decisions;
- vii. The EAC Affairs Committee should be part of the EALA Nanyuki Series Seminars because the more the people, the better the multiplier effect;
- viii. There are still challenges facing the domestication of the laws passed at the regional level. The Common Market Protocol is still facing some challenges in the area of the free movement of persons across the borders. The EAC should focus on and address the challenges in implementing principles agreed upon or the protocols signed;

- ix. it was stated that there is need for the EAC to intervene in the conflicts between border communities, for example at the Uganda Kenya Border;
- x. it was observed that the air transport in EAC is too costly, therefore the EAC airspace should be liberalised;
- xi. Insecurity is affecting different EAC Partner States, therefore peace and security in EAC should be prioritised for people to appreciate the benefits of integration.
- xii. There is an urgent need for Uganda to take up Kiswahili.

(e) Interaction with Kyambogo University

At Kyambogo University, the EALA Team interacted with a group comprising the student leadership, members of the University teaching staff, and members of the University Administration, and the following were highlighted:

- i. It was noted that there are a number of student activities sponsored by the EAC in Uganda, and these include, Student debates, EAC Clubs in Secondary Schools, and EAC Associations in Universities, EAC Essay competition for secondary school students, and EAC Youth Ambassadors in tertiary institutions;
- ii. It was noted that there is need to rationalise and assist students to get internship training in the East African Community;
- iii. It was noted EAC Partner States need to align their respective visions to the EAC Vision 2050 as well as African Union Vision 2060;
- iv. It was noted that the strategic objective of the EAC integration is to engage the youth strategically to address rampant unemployment in the region;
- v. It was further noted that the EAC is anchored on a foundation of peace and security, therefore strategies to ensure that all communities work together to ensure peace should be developed and upheld.

(f) Visit to the Uganda Heart Institute

At the Uganda Heart Institute, the following issues were discussed, among others:

- (i) It was observed that the Institute is an entity under the Ministry of Health. Following the passing of the Uganda Heart Institute Act, 2016, the Institute can explore the avenue of Public Private Partnerships;
- (iii) It was noted that the minimum requirement is a Bachelors in Nursing, followed by a specialisation in Cardiology. It was however pointed out that there were no such training centres in Uganda, so the Institute depends on a programme of skills transfer, which is done in-house;
- (iv) It was explained that the Institute had set up its own training programmes, especially for cardiologists and surgeons, to train in-house through fellowships, which requires establishing universal accreditation;

(g) Visit to the Uganda Cancer Institute

At the Uganda Cancer Institute, below are some highlights of the general interaction:

- i. It was noted that Uganda Cancer Institute is an EAC Centre of Excellence;

- ii. The Government of Uganda provided Shs.25Billion as the initial tranche for construction of the institute;
- iii. It was noted that the institute has a machine for treating cervical cancer, however the Institute requires 4 new modern machines;
- iv. It was pointed out that although free medicines are provided, delivery delays are phenomenal;
- v. The Institute has a Community Cancer Awareness Programme which provides community awareness and free screening services;
- vi. it was observed that the Institute plans to be self-sustaining in terms of funding, and therefore it is exploring other sources of income as an EAC Centre of Excellence;

(h) Public Hearing on Bills

The public hearing considered the EAC Female Genital Mutilation (FGM) Bill, and the EAC Whistle Blowers' Bill and the following observations were made on the Bills;

(i) The EAC Female Genital Mutilation Bill

The FGM Bill attracted stakeholders from the Ministry of Gender and from the Ministry of Justice and Constitutional Affairs, and they raised the following issues:

- i. Uganda has an FGM law in place, other Partner States should be encouraged to do the same;
- ii. The focus of the EALA Bill should be on dealing with the perpetrators who cross the borders in the region;
- iii. Although the EALA Bill is in sync with the Ugandan law, there are some significant discrepancies. The penalties need to be harmonised;
- iv. The Ugandan Act has a trans-boundary provision that EALA should look at;
- v. The Ugandan Act provides for self-cutting, which is missing in the EALA Bill;
- vi. Measures to prohibit the practice need to be incorporated in the EALA Bill;
- vii. The penalty in the EALA Bill need to be increased to a minimum of 10 years so that it is deterrent;
- viii. Leaders and elders in the communities that practice FGM should be taken on board in the fight against FGM.

(j) The Whistle Blowers Bill

This Bill attracted stakeholders from the Inspector General of Government, and the following were some of the highlights on the Bill:

- i. Article 134 of the EAC Treaty gives the Audit Commission some powers, the Bill should be able to recognise and capture this;
- ii. The Bill should explore ways of handling confidentiality in light of the advent of ICT;
- iii. It was observed that regional laws should be more flexible than national laws and should not be so constrictive;
- iv. The aspect of timeframes is very important; attention should be paid to this in the Bill. Propose a minimum of 2 years and any extension has to be justified;
- v. The Bill should include a provision for the protection of other witnesses not specified in the Bill;

- vi. The Bill requires further consultations with corruption agencies;
- vii. There is a need to organise a re-drafting session for the Bill. The Rules of Procedure in the EAC Treaty requires the Sectoral Council on Judiciary, which is charged with the responsibility of drafting EAC Bills, to pre-empt redrafting;
- vii. The importance of the Bill is to provide for a whistle-blower not to be disclosed. The Bill should provide for evidence given in camera.

3.0 GENERAL FINDINGS OF THE SENSITIZATION PROGRAM

- (i) It was observed that there is limited awareness among the people on EAC integration, its programs and benefits, and how to explore for the opportunities;
- (ii) Harmonisation of national laws is one of the critical steps required to facilitate regional integration. It is a process that has to go hand in hand with other undertakings of Partner States; otherwise, all agreed programs and stages of integration may be hampered by National laws;
- (iii) Members observed the growing interest of the participants/stakeholders in embracing and learning the Kiswahili language. Besides promoting unity among the EAC populace, the Kiswahili language is a critical medium of communication that will further facilitate trade in the region;
- (iv) It was observed that political crisis in Burundi hinders the EAC integration process;
- (v) It was observed that insecurity in the EAC region is affecting EAC integration process.

4.0 GENERAL RECOMMENDATIONS

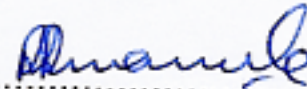
The Assembly recommended that:

- (i) Sensitisation and awareness on the EAC integration process be institutionalised to be a continuous activity;
- (ii) Urged the Partner States to fully implement the Common Market Protocol which provides for free movement of people, capital and services among others, to allow citizens of East Africa to enjoy their rights;
- (iii) Urged the Partner States to eliminate the NTBs which impact negatively on intra-Regional trade activities;
- (iv) Partner States to address the issue of work permit to facilitate those who wish to work in EAC Partner States;
- (v) The issue of Certificates of Rules of Origin should be addressed to facilitate cross border trade;
- (vi) The EAC Summit of Heads of States should put more efforts to fast track the on-going peace negotiation for the Republic of Burundi;
- (vii) Peace and Security in EAC should be prioritised for people to appreciate the benefits of integration, and the EAC should fast track the implementation of the EAC Peace and Security Protocol;
- (viii) Summit of Heads of State should upgrade Kiswahili to be one of the official languages of the Community.

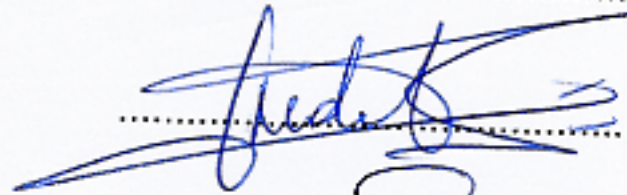
**REPORT OF EALA ON THE SENSITISATION ACTIVITIES IN THE PARTNER STATES
OCTOBER 27TH TO 7TH NOVEMBER 2016**

THEME: EAC INTEGRATION AGENDA: ACCESSING THE GAINS

1. Hon. Patricia M. Hajabakiga



2. Hon. Isabella Ndahayo



3. Hon. Judith Pareno



4. Hon. Dr. Nderakindo P. Kessy

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5. Hon. Chris Opoka-Okumu

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