EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

REPORT OF THE
CAPACITY BUILDING WORKSHOP FOR
COMMITTEE ON REGIONAL AFFAIRS AND
CONFLICT RESOLUTION

August 22nd - 23rd, 2012

CHESTER HOUSE CONFERENCE HALL, Nairobi - KENYA

Clerk's Chambers

5th Floor, Ngorongoro Wing

AICC Building

Arusha, TANZANIA   **September, 2012**

1.0 Introduction

TheEast African Legislative Assembly's (EALA's) Committee on Regional Affairs and Conflict resolution (RACR) conducted a two-day capacity building workshop to its newly elected members in Nairobi, Kenya from August 22nd – 23rd, 2012. The workshop was aimed at enabling the Committee Members tofulfill their new mandate more judiciously, responsively, effectively and efficiently.

The RACR Committee is mandated according to Rule 79 of the EALA Rules of Procedure (2008) among others, toadvise and assist in the exercise of the representative, legislative and oversight roles of the EALA as provided under Chapter 17, 23, 26 and 27 of the Treaty for the Establishment of the East African Community (EAC).

The workshop which was opened by the Chairperson of the Committee was attended by all Committee Members, resource persons from the United Republic of Tanzania, Hon. Dr. Aman Walid Kabourou and from the EAC Secretariat Mr. Leonard Onyonyi, the Peace and Security Expert.

2.0 Objectives

The workshop objectiveswere four-fold:

(i)   To conduct a capacity building workshop on the newly elected Committee members to fulfill their mandate;
(ii)   To build a cohesive and strong Committee team of regional legislators with clear regional objectives and targets;
(iii)   To reflect upon their roles as a regional parliamentary Committee team providing regional parliamentary leadership;and
(iv)   Generate a report and disseminate to various stakeholders.

2.1 Expected Outcomes

The expected outcomes of this workshopwere as following:

(i)   Capacity building workshop on the newly elected Committee members to fulfill their mandateconducted;
(ii)   A cohesive and strong Committee team of regional legislators with clear regional objectives and targetsdeveloped;
(iii)   Committee Members' roles as a regional parliamentary team providing regional parliamentary leadership reflected and enhanced; and
(iv)   Workshop report generated and disseminated to various stakeholders.

2.1.1   Methodology

In order to achieve the objectives of the workshop, the Committee employed two methods that included:

(i)   Listening to two presentations from the Resource Persons on the Committee mandate as outlined in the Treaty for the establishment of the EAC and the EALA Rules of Procedure, challenges and opportunities; and on the challenges of the EAC Common Market Protocol focusing on peace and security.

(ii)   Interactions and plenary discussions with the Resource Persons on the Committee mandate. Specifically, it focused on:-

- the mandate and functions of the Committee within the context of the Treaty and Rules of Procedure of the Assembly; and

- the operational challenges of the Common Market Protocol from the peace and security perspectives.

2.2   Presentation on:"The Mandate and Functions of the Committee within the context of the Treaty and Rules of Procedure of the Assembly", *by Hon. Dr. Aman W. Kabourou*

The presentation provided an overview of the mandate and functions of the Committee on Regional Affairs and Conflict Resolution as per the Treaty for the establishment of the EAC and the EALA Rules of Procedure, challenges and opportunities.

Dr. Kabourou noted that EALA is a creation of the Treaty for the Establishment of the EAC Organ (Article 9). He further noted that other Organs include: the Summit; the Council of Ministers; the Coordinating Committee; the Sectoral Committees; the EAC Secretariat; and the East African Court of justice.

He pointed out that Article 49 provides for the mandate of EALA. He generally summarized the mandate as legislative, oversight,and representation.

Dr. Kabourou informed the Members that the Committee on RACR is established under Rule 78 (2) (f) of the Rules of Procedure and derives its mandate under Rule 79 and Annex 5 (E) of the Rules of Procedure.

He noted that the Committee is charged with the mandate to legislate, oversee and represent; provisions under Chapters 17, 23, 26 and 27 of the Treaty for the Establishment of the EAC.

He informed the Committee that the Members of the Standing Committees are nominated from among the Members of the Assembly and shall serve for a term of two and half years and thereafter fresh nominations shall be done. He further

informed the Members that subject to EALA Rules of Procedure, the Chairman of each Standing Committee shall be elected by the Members of that Committee from among their number and shall serve for a term of two and half years except the House Business Committee.

He noted that each elected Member shall serve on two Committees other than the House Business Committee provided that a Member may serve on three Committees to reflect equal representation by Partner States.

He further noted that the Membership of each Committee other than the House Business Committee shall be fifteen and quorum shall be at least half of the Members.

During his presentation, Dr. Kabourou cited a number of challenges, the Assembly and the Committee in particular face in executing its mandate. His presentation is attached to this report as **Annex I**.

2.3 Presentation on:"An Overview of Discussions and Operational challenges of the Common Market Protocol", *by Mr. Leonard Onyonyi*

In his presentation, Mr. Onyonyi asserted that having achieved the level of the Customs Union, the next step envisaged in the integration process in the EAC is the implementation of the Common Market whose primary objective is the free movement of goods, persons, services and capital; the rights of establishment and rights of residence.

He informed the Committee that the Third Meeting of the Sectoral Council on Interstate Security meeting in Bujumbura, Burundi on 16th April 2011 directed the Secretariat to undertake a rapid assesment study of the likely implication of the Common Market on Security and vice versa and propose appropriate responses.

He noted that arising out of the above directive, a study was undertaken and the outcome shared with Directors of Criminal Investigation Department and Directors of Operations. Threats were identiffied and summarized as follows: safe transfer, movement and use of motor vehicles across the region; drug and trafficking in humans and or smuggling in persons; illicit circulation and use of small arms and light weapons; money laundering; counterfeiting; illegal immigrants; illicit trafficking in minerals and natural resources; illicit trafficking in radioactive material; and terrorism.

He further noted that other security threats identified included: Combating threats in maritime security domain; Xenophobia; Cattle rustling; Vandalism and theft of infrastructure components; Fraud and cybercrime (export and import, banking); Harmonization of Road Traffic Management practices; Environmental Crimes; Kidnapping and hostage taking for ransom; and Laxity in Border Management.

The presenter highlighted platforms which the EAC Secretariat has established to operationalize the Common Market Protocol in order to avert security threats in the EAC region. This include; the Chiefs of Police; the Chiefs of Prisons and Correctional Services; the Heads of National Counter Terrorism Coordination Entities; the Heads of National Disaster Risk Reduction coordination Entities; the Heads of National Focal Persons on Small Arms and Light Weapons.

Mr. Onyonyi underscored that all the above platforms require frameworks to regulate cooperation in their respective areas taking note of national, constitutional and legal contexts of each Partner State.

The presenter also highlighted challenges and or constraints which the EAC Partner States were facing in averting security threats arising out of the implementation of the Common Market Protocol. These include: Institutional structure; Legal framework and Financing of the security operations.The presentation is attached to this report as **Annex II**.

3.0   Committee Observations and Emerging Issues

Arising out of the presentations, the Committee noted the following emerging issues, challenges and or observations in a bid to discharge its mandate:

(i)   The Committee appreciated the achievements and initiatives of its predecessor and the Second Assembly. Commitments were made to build on and consolidate the work already undertaken.

(ii)   It was observed that the inferred mandate of the Committee on matters relating to regional Peace and Security under Article 124 and Defence under Article 125 should be made explicit in order to allow the Committee and EALA carry out its mandate more effectively.

(iii)   The Committee appreciated its wide mandate and the cross-cutting nature of its thematic concerns. The Committee is committed to improved co-ordination and building of synergy with other Committees in the carrying out of shared mandate, overlapping jurisdictions and/or donated mandate.

(iv)   The Committee noted the challenge of developing a shared sovereignty is particularly acute in the matters under its mandate including security, defence and foreign affairs. The Committee believes that addressing these matters by enhancing integration will have a positive effect on the imperative of developing shared sovereignty as a requisite condition for political federation.

(v)   The Committee noted the existing tensions between the development of protocols and enactment of legislation. Given the challenges of actualizing protocols, in many cases due to lack of clear and effective mechanisms for implementation, the Committee will propose critical analysis of the utility of

protocols. The Committee advices that use of protocols should be limited and only be used when laws cannot be enacted.

(vi)   It was apparent from the Committee discussions that the majority of the people of East Africa lack or don't have enough knowledge on the operations of the EAC Common Market Protocol; The Committee noted the apparent low levels of information and knowledge on the integration process by the citizens of East Africa. This in turn has a negative effect on the participation of the people and pace of integration. Further, the Committee observed that it was important to address the issue of mindset and seek ways and means of developing solidarity among the citizens of East Africa and the appreciation of a sense of "East Africanness".

(vii)   It was observed that for EAC integration to be comprehended right from the grass roots' level there was a need for the Community to develop and introduce into all primary schools, curricula on the East African Community and the integration process.

(viii)   There was consensus that the past approach to funding of the Community's peace and security needs to be changed. The current state where more than 70% of the budget for peace and security is funded by development partners is untenable. Taking into account the sovereignty imperative and the importance of peace and security for the integration process and development, the partner states should shoulder the entire or the large portion of the peace and security budget.

(ix)   The Committee listed seven priority areas as well as past activities which the Second Assembly Committee didn't finalize and are not funded by the current Financial Year budget. They include:

- Organize a Conference on the Causes of Conflict in the Great Lakes Region as a follow up of the previous Conference on the Causes of Conflict Conference held in Bujumbura in October 2008;

- Conduct a conflict sensitive mapping of the EAC region to input on the EAC Early Warning mechanisms;

- Hold a workshop to develop modalities for the implementation of the EAC Election Observations instruments developed by the Second Committee and EALA including developing the time table for various missions.

- Develop a framework for Civic Education mechanism for EAC; and

- Organize a regional workshop to address the critical issue of refugees and internally displaced persons.

- Organize a regional workshop to reflect on the question of marginalization and governance.

(x) There was need for the Committee to engage new partnership and collaboration to source for funds to implement the aforementioned unfunded activities from the mainstream budget for 2012/2013.

4.0 Committee Recommendations

Arising from the discussions during the workshop, the Committee recommends to the Assembly:-

(i) That the inferred mandate of the Committee on matters relating to regional peace and security under Article 124 and defence under Article 125 should be made explicit in order to allow the Committee and EALA carry out its mandate more effectively.

(ii) That guidelines and or a mechanism be developed to enhance coordination in discharging shared mandates, jurisdiction, or donated mandate by the various Committees of EALA.

(iii) Fast track modalities for the development of the East African Federal Constitution.

(iv) Wider and deeper sensitization should be undertaken to enable East Africans understand all issues pertaining to the EAC integration in general, and the four stages of integration in particular;

(v) Apart from developing the civic education framework the Committee recommends as part of the process of reviewing the education system of partner states, a common curriculum on the East African Community for schools should be developed urgently.

(vi) The EAC should develop strategies to expand funding of the integration budget from resources by partner states and as critical first step, the partner states should take the responsibility of funding peace and security sectors due the sovereignty imperative and the importance of these sectors to the integration process and development in general.

(vii) EAC Partner States to ratify the EAC Peace and Security Protocol approved by the EAC Heads of State during the April 2012 Summit held at Ngurdoto Mount Lodge, Arusha– Tanzania by December 2012 as per the Summit directive. The ratification will facilitate Partner States to negotiate the EAC Mutual Defense Pact, which will enable EAC to act together and in a coordinated manner on all security threats to the region;

(viii) That the official EALA Prayer be used not only at the beginning of the plenary but also be used by all Committees when in formal sessions.

5.0   Conclusion

The capacity building workshop managed to impart critical information, knowledge and skills that will enable Members to carry out their mandate effectively. It also built team spirit amongst Members and staff of the Committee. Further, the Committee managed to sharpen its priorities for the coming financial year. The Committee endeavoured to transform the challenges identified into opportunities that may be used to deepen the integration process for the benefit of East Africans.

6.0   Acknowledgement

Finally, the Committee would like to thank the following personalities and institutions for having facilitated it to build its capacity to discharge its mandate effectively and efficiently:

(i)   The Rt. Hon. Speaker EALA for facilitating and making sure that the Committee was able to fulfill its activity in the EALA annual calendar of activities;

(ii)   The Government of Kenya in general and the EALA Kenya Chapter for the warm reception, hospitality and courtesies extended to the Committee during its three-day stay in Nairobi;

(iii)   AWEPA for funding the Workshop;

(iv)   The Office of the Clerk for ensuring that all logistics were in order prior to the workshop in Nairobi; *and*

(v)   All Members of the Committee, stakeholders and resource persons for having participated fully during the workshop.

(vi)   Last but not least the Committee Staff for their diligence and technical input in the planning and organizing of the workshop.

CAPACITY BUILDING WORKSHOP FOR NEW MEMBERS: 20ᵀᴴ – 23ᴿᴰ AUGUST 2012, NAIROBI - KENYA

Committee Membership:

	NAME	SIGNATURE
1.	Hon. Abubakar Zein Abubakar	--------------------
2.	Hon. Saoli Ole Nkanae	--------------------
3.	Hon. Sara T. Bonaya	--------------------
4.	Hon. Leonce Ndarubagiye	--------------------
5.	Hon. Emmanuel Nengo	--------------------
6.	Hon. Isabelle Ndahayo	--------------------
7.	Hon. Chris Opoka-Okumu	--------------------
8.	Hon. Fred Mbidde Mukasa	--------------------
9.	Hon. Mike Sebalu	--------------------
10.	Hon. IssaTwahaTaslima	--------------------
11.	Hon. Charles Makongoro Nyerere	--------------------
12.	Hon. Musomi Bernard Murunya	--------------------
13.	Hon. Abdul Karim Harelimana	--------------------
14.	Hon. Jacqueline Muhongayire	--------------------
15.	Hon. Pierre-Celestin Rwigema	--------------------