



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT
RESOLUTION ON PROGRESS MADE BY THE EAC ON ITS COMMON FOREIGN
AND SECURITY POLICIES**

(6th -9th February, 2022, Dar es Salaam, United Republic of Tanzania)

Clerk's Chambers
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LIST OF ACRONYMS AND ABBREVIATIONS

ANU	-	Anti Narcotics Unit
AU	-	African Union
CEWS	-	Continental Early Warning System
CPMR	-	Conflict Prevention Management and Resolution
CPX	-	Command Post Exercises
EAC	-	East African Community
EACPF	-	East African Community Peace Facility
EADB	-	East African Development Bank
EALA	-	East African Legislative Assembly;
EPA	-	Economic Partnership Agreement
ESAAMLG	-	Eastern and Southern Africa Anti- Money Laundering Group
ESAIO	-	Eastern and Southern Africa and the Indian Ocean
FTX	-	Field Training Exercises
ICGLR	-	International Conference on the Great Lakes Region
IGAD	-	Inter- Governmental Authority on Development
MOU	-	Memorandum of understanding
NACADA	-	National Campaign Against Drug Abuse
RECSA	-	Regional Centers in Small Arms
RDCTC	-	Regional Defence Counter Terrorism Centre
SALW	-	Regional Small Arms and Light Weapons Policy
SDGS	-	Sustainable Development Goals
UNHCR	-	United Nations High Commission for Refugees

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1.0 INTRODUCTION

One of the cardinal mandate of the Assembly is to undertake oversight functions. This is provided for in Article 59 (3), (c) of the Treaty which inter alia provides that “the Assembly shall hold an annual debate on the report submitted to it by the Council on the progress made by the Community on the development of its Common Foreign and Security Policies”. Submitting annual report on the status of Common Foreign and Security policy coordination to the Assembly is a statutory obligation of the Council.

The 10th Joint Meetings of the Sectoral Councils on Cooperation in Defence, Inter-state Security and Foreign Policy Coordination met and discussed the report on the progress made by the Community on the development of its Common Foreign and Security Policies. Subsequently the 38th Meeting of the EAC Council of Ministers convened and approved it.

The report is thus presented as provided for in accordance with articles 59 (3) (c) and 49 (2) (c) (d) of the Treaty Establishing the East African Community. It covers the progress made by the Community in the development of its Common Foreign and Security Policies over the last three years.

During the plenary sitting of the 2nd meeting -5th Session -Fourth Assembly which was held in Arusha, United Republic of Tanzania, the Chairperson of the Council of Ministers laid the report on table on 2nd December 2021. Consequently, the Speaker of the Assembly referred the report to the Committee of Regional Affairs and Conflict Resolution for review and report back to the House in line with Rule 81 (e) and Annex 5 (E) of the Rules of Procedure of the East African Legislative Assembly. The report laid covers progress of three years namely; 2019, 2020 and 2021 respectively.

2.0 BACKGROUND

The mission and vision of the East African Community is to widen and deepen economic, political, social and cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.

Regional integration accelerates political, social, and economic development. Ensuring durable peace and stability in the East African Region is an ingredient for the successful integration process. Article 6 of the Treaty Establishing the East African Community stipulates the fundamental principles of the Treaty that include mutual trust, political will, sovereign equality, peaceful co-existence and good neighbourliness. This is further amplified in the vision of EAC which envisages “a prosperous, competitive, secure, stable and politically united East Africa.”

It is worth noting that when the political and security environment is conducive, it will spur and consolidate the gains achieved in integration journey as well as lay a firm foundation as EAC embarks on the next stages of integration notably the Monetary Union and Political Federation.

The Peace and Security policies of the EAC are anchored on articles 123 (1), 124, and 125 respectively.

3.0 OBJECTIVES OF THE ACTIVITY

The objectives of the activity were;

- a) To undertake scrutiny of the Council report on the progress EAC has made in developing its Common Foreign and Security policies;
- b) To enhance Members understanding of the status of Common Foreign and Security policies of the EAC;
- c) To make observations and recommendations to the Assembly for the consideration by the Council of Ministers on its Common Foreign and Security Policies.

4.0 METHODOLOGY

The Committee used the following methodology to examine the report.

1. Reviewed and internalized the Council of Ministers report on the Common Foreign and Security policies of the EAC as per Chapter 23 of the Treaty for the establishment of EAC.
2. Reviewed and made reference to a number of documents including but not limited to:
 - i) The Treaty for the Establishment of East African Community;
 - ii) The Rules of Procedure of the East African Legislative Assembly;
 - iii) Protocol on Peace and Security of the EAC;
 - iv) Protocol on Foreign Policy Coordination;
 - v) Protocol on combating illicit drug trafficking in the East African Region;
 - vi) East African Community Protocol on Co-operation in Defence;
 - vii) Regional Strategy against piracy and for Maritime Security in Eastern and Southern Africa and the Indian Ocean;
 - viii) The Report of the U.S Department of State- Bureau of International Narcotics and Law Enforcement Affairs of 2016;
 - ix) The Memorandum of understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and coordinating mechanisms of the Regional standby Brigades of Eastern Africa and Northern Africa.

3. Held interactive meetings with the departments of Political Federation and Peace and Security to discuss the report.

5.0 PROGRESS MADE BY THE COMMUNITY IN THE DEVELOPMENT OF ITS COMMON FOREIGN AND SECURITY POLICIES.

Article 123 (1) stipulates the existence of EAC Common Foreign and Security Policies.

In line with Article 123 (5), the EAC Council of Ministers put in place an institutional framework by establishing various Sectoral Councils and Committees to give direction and policy guidance for cooperation in areas of Defence, Inter State Security as well as Foreign Policy Coordination so as to enhance peace, security and governance initiatives. These include:

- Sectoral Council on Cooperation in Defence;
- Sectoral Council on Inter-State Security;
- Sectoral Council on Foreign Policy Coordination and the;
 - Joint Sectoral Councils on Defence, Inter State Security and Foreign Policy Coordination.

The Department of Peace and Security coordinates and facilitates the above-mentioned Sectoral Councils.

5.1 Foreign Policies

Foreign Policy Coordination is one of the key priorities of the EAC. Even before the Treaty was signed, on 30th November, 1999, the EAC Partner States had already concluded a Memorandum of Understanding on Foreign Policy Coordination in January, 1999. The Treaty provides, that the Community and its Partner States shall define and implement Common Foreign and Security policies. The objectives of such policies are to build the EAC as a cohesive organization in its relations with the international community and to promote cooperation, including commitment to dialogue at international fora. Partner States committed to collaborate in diplomatic, consular services, economic and social activities, multilateral diplomacy, liaison, and information exchange programs in the context of the Community. A Sectoral Council on Foreign Policy Coordination was established in March 2008.

- a) Progress on the ratification of the protocol on Foreign Policy Coordination.** This Protocol was signed in December, 2010 and is anchored on Articles 5, 6, 7, 123 and 125 of the Treaty for Establishment of the East African Community. It obligates Partner States to cooperate and coordinate in matters of Foreign Policy and ensure that they pursue Common Foreign objective aimed at enhancing the gains of integration. During the deliberations with the department of Political Federation, the Committee was

informed that this protocol is yet to come into force as it awaits the United Republic of Tanzania to ratify it.

Committee observations/ recommendations

- (i) It is more than 12 years to date since the negotiations of foreign policy coordination protocol were concluded, however, this protocol is yet to be fully ratified.***
- (ii) The Council did not provide the Assembly with adequate information in its report on the progress of ratification of the protocol on foreign policy coordination.***
- (iii) The report does not provide comprehensive information on progress EAC has registered in foreign policy coordination.***

Recommendations

The Committee recommends to the Assembly to urge the Council to:

- Expedite ratification of the protocol on Foreign Policy coordination;***
- Provide update on progress of the implementation of the foreign policy coordination and related matters.***

b) Progress on Immunities and Privileges

The Protocol on Privileges and Immunities of the East African Community was signed on 30th April, 2015. It gives the East African Community the right to enjoy international legal personality. Once ratified the protocol will provide the staff of the Community, Organs and Institutions the immunities and privileges necessary for the proper discharge of their functions under the Treaty.

It has the following provisions:

- Protection of funds of the Community;
- Tax exemptions for the Community;
- Privileges and immunities of persons employed in the services of the Community.

It also provides for the safety of the assets and properties of the Community wherever they are situated in the Partner States.

At the time the Committee compiled this report, the Protocol on Immunities and Privileges had not yet been ratified by the Republic of Burundi. The Committee has reliably been informed that the instruments of ratification have since been deposited by the Republic of Burundi.

Committee Observations/recommendations

- i. Now that the protocol on immunities and privileges has been fully ratified by all the EAC Partner States, the Committee recommends to the Assembly to urge the Council of Ministers to harmonize different immunities and privileges accorded to staff, Members of the Assembly and other Persons working in the Community; and***
- ii. Direct EAC Secretariat to provide regular updates to the Assembly in regard to the implementation and standardization of the protocol.***

5.2 DEFENCE POLICIES

5.2.1 Protocol on Co-operation in Defence

In accordance with the provision of Article 125 of the Treaty, a Memorandum of Understanding (MOU) to guide co-operation in Defence was signed on 30th November, 2001. The MOU was up-graded to a full protocol on 28th April, 2012 and ratified on 19th November, 2015. The protocol is being implemented by EAC Partner states. With this protocol in place, the EAC Partner States stand to fortify and cement the Mutual Defence Pact. The Mutual Defence Pact which fosters the implementation of the EAC Protocol on Cooperation in Defence Affairs is to be negotiated and concluded by the Partner States as integral part of the protocol.

Article 2 of the protocol provides for the scope of cooperation:

1. The Partner States shall cooperate in all Defence Affairs and collaborate with international and regional organizations to promote peace, security and stability in the Community.
2. Partner States agreed, to inter alia cooperate in the following:
 - a) Military Training
 - b) Joint Operations
 - c) Technical cooperation and
 - d) Visits and Exchanges of information

The objectives of the Protocol include:

- a) Develop, promote and pursue policies and programs aimed at widening and deepening co-operation among the Partner States in Defense Affairs for their mutual benefit.

- b) Promote Peace and Stability and good neighborliness among Partner States in order to guarantee the protection and preservation of life and property, the wellbeing of the people in the Community and their environment as well as creation of conditions conducive to sustainable development.
- c) Anticipate and prevent conflicts in circumstances where conflicts have occurred and to undertake peace support operations and peace building functions for the resolution of such conflicts.

During an interactive session with the department of peace and security, the Committee was informed that the protocol provides for commencement of negotiations on Mutual Defence Pact one year after coming into force. The draft Mutual Defense Pact along with its implementation mechanism are not yet concluded as they await the United Republic of Tanzania to conclude their national consultations.

The Committee recommends to the Assembly to appeal to Council of Ministers to request the United Republic of Tanzania to fast track its national consultations on ratification of the Mutual Defence Pact.

5.2.2 Regional Counter terrorism strategy

In order to address the increasing threats of terrorism, the Partner states developed regional counter terrorism strategy. The strategy was adopted by the Summit of EAC Heads of State on 30th April, 2014. To operationalize the strategy, the Council adopted an action plan at its 38th meeting. The strategy is based on 4 pillars namely; prevent, protect, disrupt, respond. The 41st meeting of the Council of Ministers will consider implementation modalities including staffing and funding of the envisaged East African Counter terrorism centre (EACTC) which will coordinate implementation of the strategy.

The Committee was informed that Partner States agreed on its establishment but the Republic of Rwanda asked for more time to consult on the matter.

Committee Recommendation

The Committee recommends to the Assembly to urge the Council of Ministers to:

- ***Fast track implementation modalities of East African Counter terrorism centre with regard to funding and staffing.***
- ***Request the Republic of Rwanda to expedite its national consultations on the establishment of the Regional counter terrorism centre.***

5.2.3 The EAC E-Immigration policy

The policy is anchored on EAC Treaty under article 104 that provides for free movement of persons, labour and services, right of establishment and residence. Immigration is a critical element in the implementation of the common market protocol. The 20th meeting of the sectoral council of ministers considered the report titled "Final feasibility study for development of harmonized e-immigration information systems and directed EAC secretariat to formulate a joint regional e-immigration policy with the objective of utilization of ICT to transform delivery of immigration services to the citizens, business and non-citizens in the EAC region.

The policy is still a draft and covers the following strategic areas:

- Legal and Regulatory framework;
- E-immigration services;
- Human resources development;
- E-immigration information sharing and e-integrated border management systems;
- Information security standards; and
- Cross –cutting issues related to research and development and communication and advocacy.

5.2.4 The EAC Transboundary Security framework

The objective of the framework is to integrate transboundary communities in the regional security arrangements in a structured manner as a panacea to the challenges created by the long porous borders but which have community presence. The EAC Chiefs of Police at their 5th meeting directed the secretariat to initiate the development of a basic regional border management security taking into consideration good practices in the implementation of the framework of the One stop border posts (OSBPS) including application of 1-24/7 and involving immigration, customs and Interpol. The 7th meeting of the sectoral council on inter-state security adopted the directive setting in motion the development of transboundary security policy. It is envisaged that this framework would promote proximate transboundary movement practices such as "Ujirani mwema" across the region. It would also complement the work of official security apparatus through enhanced information sharing and reduction in cross border crimes.

The committee was informed that both the EAC E-immigration policy and EAC transboundary security framework are still undergoing stakeholders' validation exercise.

Progress under the framework of East African Protocol on Defence.

a) Command Post Exercises.

- Within the framework of the East African Protocol on cooperation in Defence Affairs, the East African Command Post Exercises (CPX) code named “Ushirikiano Imara” and Armed Forces Joint Field Training Exercises (FTX) are conducted on a rotational basis in the EAC Partner States. The CPX and FTX aim at enhancing Partner States’ Defence Forces’ capabilities in jointly combatting complex security challenges faced in the region. The Exercises involve the Military, Police, Civilian Components and other stakeholders.
- The EAC has since 2005 held a series of joint military exercises on Peace Support Operations, Disaster and Crisis Management, Counter Terrorism and Counter Piracy. The 2 weeks EAC Armed Forces Command Post Exercise was held in Uganda in November, 2019 before the outbreak of Covid 19 pandemic. The United Republic of Tanzania hosted CPX in December, 2017, Kenya in March 2016, Burundi in October, 2013 and Rwanda in October 2011.

b) East African Community Civil Military Cooperation (CIMIC)

- CIMIC activities involve the armed forces to undertake outreach activities to provide support to civil engineering works in rural schools and hospitals within the East African Region. The outreach programs are aimed at enhancing cooperation and solidarity with the general population. They provide an opportunity for the military to coordinate regional engagements nationwide and enables EAC citizens to interact and benefit from the work of their Security Agencies.

With the growing threats to regional stability, a symposium was held from 1st - 3rd February, 2022 in Juba, South Sudan aimed at designing strategies for promoting Peace, Security, Stability and good neighborliness among the EAC.

- From 1st -2nd November, 2022 a meeting of the Chiefs/Directors of the Health Services of the EAC Partner States Armed Forces will take place in Nairobi, Kenya to develop strategies and measures to mitigate the health threats to the EAC Partner States’ Armed Forces.
- On 26th October, 2018 in Arusha, United Republic of Tanzania, the Sectoral Council on Cooperation in Defence directed that the Armed Forces initiate co-operation in Health/Medical matters. The principal objective of establishing cooperation among defence forces in the health sector was to formulate strategies and measures aimed at mitigating health related threats to the EAC

Partner States' Armed Forces. Since then, several meetings of Chiefs/Directors of the Health Services of Partner States have been organized and the recent one was held from the 17th – 21st January, 2022 in Kigali – Rwanda. The objectives of these meetings were to develop modalities of collaboration in medical research studies and carry out assessment of medical facilities offered by the Republic of Rwanda. The programs were undertaken aimed at developing COVID -19 SOPs for EAC military activities.

c) EAC Military Games and Cultural Event

- Partner States organize biannual EAC Military Games and Cultural Events on a rotational basis. The events aim at fostering solidarity among the EAC Armed Forces as well provide an opportunity to engage with EAC citizens and to promote peace through sports and culture. The games involve the disciplines of Athletics (Cross-country Race), Boxing, Football, Netball and Handball and provide high profile participation. This is intended not only to popularize the event but also to raise the sporting competitive levels, thereby contributing to high standards within the Community commensurate with international standards. The recent military games were held in Bujumbura – Burundi in 2018, and Nairobi – Kenya in 2019 respectively. The Republic of South Sudan is expected to host the event in 2024.
- **Defense Liaison Offices.** Anchored under Article 125 of the Treaty for the Establishment of the EAC, Partner States agreed to closely cooperate in defence matters in order to promote Peace, Security and Stability within the region as well as good neighborliness among the Partner States.

The functions of the Defence Liaison Office are to:

1. Provide the coordination link between the Armed Forces of the Partner States and the Secretariat;
2. Undertake research work on all agreed military issues, and;
3. Perform such other duties as may be assigned by the Secretary General of the Community.

Committee observations

- ***The Committee observed that Command Post Exercises and Joint Field Training Exercises equip EAC armed forces with skills and experience in combatting complex security threats. Both CPX, FTX and Outreach activities create an opportunity to the EAC armed forces to interact with the citizens hence bringing integration closer to the people of East Africa. There is therefore a need for additional financial support***

to enhance Partner states capacity to conduct the Exercises and outreach programmes;

- ***The Committee further noted that there is limited awareness and visibility of the joint military programs and outreach activities.***

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to:

- ***Provide the necessary facilitation to ensure that the objectives of CPX and FTX and outreach activities are fully realized;***
- ***Increase funding for the department of Defense Liaison Office to strengthen its publicity and sensitization programs.***

5.2.5 PEACE AND SECURITY PROTOCOL

The EAC Protocol on Peace and Security was signed by the EAC Partner States on 15th February, 2013 and has been ratified by all partner states . The Protocol is a milestone in the political integration process because it creates a binding framework for sustained peace, security and stability in the East African region. It stipulates the exchange of criminal intelligence and other security information, strengthening of inter-agency cooperation and coordination among security agencies such as joint cross-border management, installs joint operations and patrols, common communication facilities, border and interstate security etc. The Protocol also provides for an institutional framework for the Directorate of Peace and Security, which will spearhead the implementation of the Protocol and all matters related to peace and security in the region.

The objective of the protocol on Peace and Security is to promote peace, security, and stability within the community and good neighborliness among the Partner States.

In accordance with the protocol on Peace and Security:

1. The Partner States shall cooperate in peace and security matters and collaborate with international and regional organizations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for effective implementation of the protocol.
3. Partner States agree to, inter alia cooperate in the following areas:

- a) Conflict prevention, management and resolution;
 - b) Prevention of genocide;
 - c) Combatting terrorism;
 - d) Combatting and suppressing piracy;
 - e) Peace support operations;
 - f) Disaster risk reduction, management and crisis response;
 - g) Management of refugees;
 - h) Control of proliferation of illicit small arms and light weapons;
 - i) Combatting transnational and cross border crimes, including drugs and human trafficking, illegal migration, money laundering; cybercrimes and motor vehicle theft;
 - j) Addressing and combatting cattle rustling; and;
 - k) Prisons and rehabilitation of offenders.
4. Partner States agreed to establish early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

Observation: No clear implementation plan with time frames on implementation of EAC peace and security strategy.

5.2.6 Policy responses

1) The EAC Refugee policy

The overall objective of the policy is to set common standards for handling refugee matters with a view to attaining the mutually reinforcing objectives of promoting peace and security and sound refugee protection policies and practices in the region. The Committee takes cognizant of the deteriorating security situation in the Great Lakes region caused by presence of violent armed groups in the Eastern Democratic Republic of Congo that have caused a myriad of security challenges including spillover of refugees to the Republics of Uganda and Rwanda. However, to date, the EAC Refugee policy is not yet in place as the refugee's situation continue to escalate unabated in the East African region mainly due to regional instabilities and natural disasters.

2) EAC Youth, Peace and Security Policy

The policy is anchored on the EAC youth policy 2015, EAC Youth policy action plan 2016 and existing national, regional and international policy frameworks and charters including national youth development policies, African Youth Charter, the World programme of action for the year 2000 and beyond and UN Security Council Resolution 2250.

The Committee was informed that the policy was still being developed.

3) Domestication of the African Union post conflict reconstruction and development policy framework (PCRD)

The Committee noted that PCRD aims to support efforts of post-conflict countries in consolidating peace and preventing relapse into conflict. The policy is also useful for Countries at peace as it serves as a mechanism for conflict prevention. The 10th joint meeting of sectoral councils on cooperation in defence, inter-states security and foreign policy coordination directed the Secretariat to develop an EAC PCRD framework and implementation plan aligned to the various EAC policies and legal instruments and submit to the 11th Joint sectoral councils for consideration. The policy is yet to be finalized.

4) The proposed EAC peace and security rapid decision-making mechanism.

The sectoral council on defence in 2011 initiated the proposed EAC peace and security rapid decision making mechanism and subsequent EAC Council directive in 2012. ***The Committee takes cognizant of the deteriorating security situation in the Great Lakes region caused by presence of violent armed groups in the Eastern Democratic Republic of Congo that have caused a myriad of security challenges including spillover of refugees to the Republics of Uganda and Rwanda. However, to date, the EAC Refugee policy is not yet in place as the refugee's situation continue to escalate unabated in the East African region due to regional instabilities and natural disasters.***

A proposed institutional structure of the EAC Council of Ministers on peace and security matters was referred to the 23rd meeting of the sectoral council on legal and judicial affairs held on 1st November, 2021 to consider the matter. The Council further directed the Council to the Community (CTC) to substantiate to the joint meeting on sectoral councils on cooperation in defence, interstate security and foreign policy coordination the provisions of articles 15, 146, 147 and 148 vis avis article 6 of the Treaty in relation to whether consensus rule can be exempted in cases where the Council or Summit in considering emerging and urgent peace and security challenges.

The Committee noted the deteriorating security situation in the Great Lakes region caused by presence of violent armed groups in the Eastern Democratic Republic of Congo that have caused a myriad of security challenges including spillover of refugees to the Republics of Uganda and Rwanda. However, to date, the EAC Refugee policy is not yet in place as the refugee's situation continue to escalate unabated in the East African region due to regional instabilities and natural disasters.

Committee Observations

- ***The protocol is expected to provide a legal domicile to all Peace and Security interventions. The establishment of the directorate of Peace and Security should play a key role in generating policy proposals particularly on those that have a bearing on the peace and security sector.***
- ***Management of refugees. The protocol is expected to put in place common standards in dealing with refugees and create a framework in the management of Refugees including adopting a refugees management policy.***

5) Adoption of the regional strategy for peace, security and its implementation plan.

The EAC Council of Ministers adopted and updated the Strategy for Regional Peace and Security along with its implementation plan in 2014. The strategy identified 23 objectives for intervention all of which are dully covered by the protocol on peace and security. The implementation plan was mainstreamed into the EAC 5th development strategy for implementation within the confines of available budgetary resources. It set up twenty-three objectives for implementation. The strategy if effectively implemented will reinforce the protocol on peace and security.

The Peace and Security Strategy was adopted in November, 2006, prior to the adoption of the Protocol on Peace and Security and the EAC Conflict Prevention, Management and Resolution Mechanism adopted in 2012. The Peace and Security Strategy is a policy framework that mandates Partner States and the Secretariat to jointly plan and respond to issues of peace and security in the region.

Committee observation

The Committee observes that despite the adoption of the regional strategy for peace and security there is lack of regular comprehensive operational plans providing implementation modality for all 23 strategic objectives. Implementation is further constrained with funding challenges.

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to evaluate and focus on key areas within the strategy that are implementable within the medium term.

5.3.7 Protocol on combating illicit drug trafficking in the East African Region.

Illicit drug trafficking is not only an East African Community challenge but a global threat. The EAC region is increasingly being used as a conduit for illicit drugs for international markets. It is against this background that EAC Partner States deemed it necessary to develop a Protocol on combatting drugs trafficking in the EAC region.

The Protocol criminalizes illicit drug trafficking, adheres to international conventions on Narcotics, provides for domestic legislation, mutual legal assistance, law enforcement, drug demand reduction and institutional arrangements in areas of implementation and execution.

The scope of the protocol is:

- a) The ratification of international Conventions;
- b) Promulgation of domestic legislation;
- c) Provision of mutual legal Assistance;
- d) Law enforcement;
- e) Drug demand reduction.

The following institutions are involved in drug enforcement in Partner States:

- The Republic of Kenya has established the office of the National Campaign against Drug Abuse (NACADA) and the Anti-Narcotics Unit (ANU) of the Kenya National Police Service.
- The Republic of Uganda established a Narcotics and Drug enforcement unit in the Uganda Police Force, and also established multi-sectoral Committee on drugs.
- The Republic of Burundi established a Narcotics and Drug enforcement Unit in the Burundi National Police.

- The Republic of Rwanda established an Anti-Narcotics Unit and Narcotics and Drugs enforcement Unit;
- The United Republic of Tanzania has established the National Drug Council that oversees the overall implementation of the Drug Act. This Council is composed of Ministers from various Ministries whose missions are directly or indirectly related to the control of illicit drugs trafficking.

Committee Observations

- ***The narcotics and drug usage is a very big problem within the East African region affecting the lives of young people***
- ***Some Partner States have in place legal frameworks and institutional mechanisms to enforce the protocol whereas others do not;***
- ***Continuous illicit drug trafficking has been escalated due to porous borders of EAC Partner States;***
- ***Weak boarder control mechanisms in EAC have also increased the prevalence of drug barons who benefit from the illicit trade; and***
- ***Some weaknesses in the criminal justice system have been exploited by the drug traffickers.***

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to;

- ***Strengthen cooperation with the interpol, EAC Partner States and other international agencies on the fight against the narcotics;***
- ***Put in place a regional regulatory framework on narcotics;***
- ***The law enforcement agencies within the EAC should enhance ~~on~~ surveillance, investigations, seizures and other cooperative frameworks in the against narcotics;***
- ***EAC intensify its partnerships with the United Nations Office on drugs and crime.***

5.3.8 Regional Small Arms and Light Weapons Policy (EAC SALW)

An EAC SALW policy was adopted by the Council of Ministers in 2009. The Policy guides regional efforts towards SALW control with interventions that include capacity development of National coordination entities referred to as National Focal Points. The

policy makes it mandatory for Partner States to undertake training, provision of equipment, marking, tracing and record of fire arms, arms collection and destruction, stockpile management and security, legislation, harmonization, awareness creation and engendering SALW process.

Committee Observations

- ***Although the regional Small Arms and Light Weapon policy has been adopted, there still exists the prevalence and proliferation of small arms and light weapons in the region***
- ***Inadequate disarmament measures have resulted into perpetual community raids and intra, inter-tribal and cross boarder conflicts within EAC for instance, the Karamojong in Uganda vs the Toposa in South Sudan vs the Turkana of Kenya.***

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

Following the rise in piracy in the Indian Ocean in the late 2009 and the resultant security and economic impact upon EAC Partner States and the region at large. The East and Southern Africa- Indian Ocean met in Mauritius in October, 2010 and adopted a multi-dimensional regional maritime security strategy and action plan that responds to maritime security needs in all dimensions. To deal with piracy, a strategy was adopted by the EAC Council of Ministers at their 28th meeting which was held on 29th November, 2013. Implementation of the strategy commenced in 2014 with a seed fund from the European Union.

The comprehensive strategy addresses the provision of alternative livelihoods in Somalia, law enforcement capacity building, combating of piracy proceeds, operational capacity building and information exchange. The implementation of the strategy is being coordinated by the EAC, the Indian Ocean Commission, Inter governmental Authority and development (IGAD) and Common Market for Eastern and Southern Africa. (COMESA).

Committee Observation

The Committee observed that despite the efforts in place, the threat of piracy and other maritime security in the region persists. There is a range of myriad issues taking place off the coast of Somalia (piracy, illegal fishing, arms and human trafficking, which continue to challenge the region. Also, the ESA-IO Region is at the crossroad in terms of the counter-piracy response in the Horn of Africa, in particular regarding the reduction of the involvement of the international community in the counter-piracy.

Committee recommendation

The Committee recommends to the Assembly to urge the Council of Ministers to direct the Secretariat to enhance EAC partnership with the United Nations Office on drugs and crime.

5.3.10 Conflict Prevention Management and Resolution (CPMR)

In a bid to ensure sustainable peace and harmonious co-existence, CPMR framework was developed with the support from the African Union Peace facility. The framework broadly provides for:

- Conflict early warning, including establishment of a situation room;
- Mediation and establishment of good offices (Panel of Eminent Persons);
- Peace support operations ;
- Demobilization, disarmament, resettlement, reconstruction and rehabilitation ;
- Post conflict reconstruction and development; and
- East African Community peace facility.

The Council adopted the CPMR operational modalities inclusive of the Modality for the Establishment of the East African Community Peace Facility (EACPF). However, at its 28th Meeting held in November, 2013, the Council deferred establishment of the EAC Peace Facility pending evaluation of the proposed East African Community Development fund. The Council however took note of the need to progressively take over funding of Peace and Security interventions and directed that an initial allocation of \$500,000 be availed to the department be revised incrementally on annual basis.

Committee Observations

- ***Although peace and stability are critical to the integration agenda, the department is understaffed and underfunded. The political federation department is the only docket in the entire EAC structure without a directorate. It has got only 4 staff members making the implementation of the core functions of department difficult. The Peace and Security programs are mainly funded by the development partners and this makes it vulnerable in case of withdrawal of funding;***
- ***Implementation of protocols has been left to individual Partner states instead of EAC developing a centralized mechanism to ensure harmonized enforcement.***

Committee Recommendation

The Committee recommends to the Assembly to appeal to the Council of Ministers to urge ;

- ***Partner States provide adequate funding to peace and security programs to ensure ownership and sustainability. The long-awaited sustainable funding mechanism should be expedited.***
- ***The Community to consistently promote the use of special envoys to enhance proactive and preventive approach to conflict management. There is also need to support a mediation support unit at the EAC Secretariat.***

5.3.11 Refugee Management Policy

In line with article 124(4) of the Treaty, the Council has the obligation to develop a refugee management policy with the ultimate objective of harmonizing practices and mechanisms related for the Refugees Management. The Committee was informed by the relevant staff of the Secretariat that the policy has not been finalized.

Committee Observation

Delayed finalization of the Refugee policy makes coordination of refugee management in the region problematic.

Recommendation

The Committee recommends to the Assembly to urge the Council to provide funding to finalize the development of the refugee policy and implementation.

5.3.10 Protocol relating to the Establishment of AU peace and Security Council

The EAC and four other RECS being part of AU are bound by the protocol relating to the establishment of AU Peace and Security Council to cooperate with AU on matters related to peace and security. Through this collaboration framework, a number of regional peace and security initiatives have been implemented through the AU Continental Early Warning System (CEWS) and the AU border management programs. This has facilitated the promotion of regional coordination and cooperation and sharing of best practices.

Committee Observation

The collaboration between EAC peace and security department and AU Peace and Security Council seems ad hoc and not structured.

Recommendation:

The Committee recommends to the Assembly to urge to the Council to request the Secretariat to strengthen its collaboration with AU Peace and Security Council in order to enhance synergies and partnerships.

5.3.11 Co-operation with the United Nations (UN)

The EAC was granted observer status at the UN in March 2003 and remains an active member of the global body. EAC is expected to furnish the UN with regular reports and briefs and in particular to the UN Office of Disarmament Affairs, UN Counter Terrorism Directorate and UN Security Council resolution 1540.

Committee recommendations

The Committee recommends to the Assembly to urge the Council of Ministers to Strengthen the EAC liason office at the AU.

5.3.12 Co-operation with other International Organizations in the Region

In order to promote cooperation and ensure complementary and with regional and international organizations a number of cooperation mechanisms have been concluded with the following organizations;

- 1) Regional Centers in Small Arms (RECSA) on the management of Small Arms and Light weapons;
- 2) United Nations High Commission on Refugees (UNHCR) on refugees' management;
- 3) International Criminal Police Organization (Interpol) on transnational crime ;
- 4) Eastern and Southern Africa Anti- Money Laundering Group (ESAAMLG) on Anti-Money laundering and combating financing of terrorism;
- 5) Inter- Governmental Authority on Development (IGAD) on security issues;
- 6) International Conference on the Great Lakes Region Secretariat (ICGLR) on security issues.

Committee observations

The Committee observed that though EAC has established mechanisms of fostering cooperation with other international organizations, formal and structured cooperation with other Regional Economic Communities have not been put in place. For Instance, the Committee recently visited the Southern African Community (SADC) and was informed that they do not have a formal cooperation arrangement with the EAC.

The Committee further noted that the Republic of Burundi is not a member of the Eastern and Southern African Anti- Money Laundering Group and this is likely to affect its financial credibility.

Committee recommendations

The Committee recommends to the Assembly to urge the Council to :

- ***Direct the Secretariat to strengthen partnership with like- minded organizations including initiating formal cooperation with other RECS.***
- ***Appeal to the Republic of Burundi to join Eastern and Southern African Anti-Money Laundering Group to strengthen its financial credibility.***

Committee Observation

The Committee noted the existence of emerging security challenges that need appropriate responses. These include: terrorism, human trafficking, and radicalization, cattle rustling, environmental crimes such as poaching, deforestation, illicit trafficking in minerals and natural resources. If no proactive and sustainable interventions are put in place, they are likely to exacerbate the security threats EAC is currently facing and derail the integration agenda.

Committee recommendation

The Committee recommends to the Assembly to urge the Council of Ministers to come up with measures that address emerging security challenges.

6.0 GENERAL OBSERVATIONS/RECOMMENDATIONS

1. Lack of a directorate of Peace and security

The Committee observed that lack of a directorate for Peace and Security has resulted into limited attention in terms of focus, funding and coordination of programs related to peace and security. If established, the directorate would play a pivotal role in coordinating and implementing the provisions contained in the peace and Security protocol.

The Committee recommends to the Assembly to urge the Council to fast track the establishment of the directorate to oversee the peace and security docket.

2. Lack of Sustainable funding mechanism to support the peace and security programs at EAC.

The Committee observed as one of the most strategic sectors in the integration process, peace and security ought to receive priority funding from the Partner States contribution. The Community should provide adequate budget allocation for peace and security programs. However, most of the programs are heavily dependent on donor funding making them vulnerable and unsustainable in case of donor pull out. The Committee further observed that the matters of peace and security do not attract the necessary attention and funding from Council yet peace and security are crucial to the integration process.

The Committee recommends to the Assembly to appeal to the Council to ;

- ***Priotize the development of a sustainable funding mechanism to support the peace and security sector; and***
- ***Urge Partner States to create a peace fund to support security and foreign policy coordination programs.***

3. Increased smuggling of illegal firearms in the region

The Committee observed that proliferation of illegal firearms in EAC has increased and escalated by violent conflicts, terrorism, piracy, illicit drug trafficking and weak border control and law enforcement.

The Committee recommends to the Assembly to urge the Council of Ministers to undertake deliberate measures that will ensure effective disarmament and elimination of proliferation of Small Arms and Light Weapons in the EAC region.

4. Delayed ratification of EAC Mutual Defence Pact

The Committee noted that there has been delays in the ratification of EAC mutual defence pact by all Partner states which hampers effective implementation of Defence and Peace and Security protocols.

The Committee recommends to the Assembly to appeal to the Council of Ministers to urge the Sectoral Council on Defence Co-operation to expedite full ratification of the Mutual Defence Pact.

5. Absence of EAC Refugee Policy

The committee observed that the issue of funding, staffing and lack of sense of urgency has contributed to the delayed finalization of the Refugee policy. This also applies to various pending policies, strategies and ratification of protocols.

The Committee recommends to the Assembly to urge the Council of Ministers to:

- ***Request Partner States to find an urgent and durable solution to the push /pull factors causing an influx of refugees.***
- ***Direct the Secretariat to expedite the development of a Regional Policy on refugees and harmonize it with the National policies and Laws on refugee management in accordance with Article 124 of the Treaty.***
- ***Allocate budget and set a time frame to conclude the development of pending policies, strategies and ratification of protocols.***

6. Joint Candidatures to International Bodies

The Committee noted the lack of a coherent policy for the promotion and support of EAC candidates to international bodies.

The Committee recommends to the Assembly to urge the Council to:

- ***Urgently initiate a policy to coordinate the identification and support of EAC candidates to regional and global bodies.***
- ***Fast track the full ratification of EAC Foreign policy coordination protocol.***
- ***Urge Partner States to respect the decision of the Candidatures Committee and support EAC endorsed candidates vying for posts within the region and beyond.***

7. Delays in policy/strategy development and ratification

The Committee observed that various EAC policies, strategies and protocols have not been finalized hence posing challenges to the realization of defence, peace and security and foreign policy coordination.

Recommendation: The Committee recommends to the Assembly to urge the Council to direct the Secretariat to mobilize funding and needful staffing to conclude the pending policies, strategies and protocols.

7. Timely and comprehensive reporting on Common Foreign and Security Policies

Article 59 (3) (c) of the Treaty for the establishment of the East African Community directs Council to submit a report annually to the Assembly on the progress made in the development of its Common Foreign and Security policies. The First report from Council was submitted in 2014, the second report was submitted in 2019, and this is the 3rd report which was submitted in 2021 (Covering three years of 2019, 2020 and 2021).

The Committee notes that in analyzing the provisions on the article 59 of the Treaty, the cognitive word directed by the Treaty is “progress annual report”. This obligates Council to submit an annual report on the progress made on the foreign and security policies similar to Council annual submission to the Assembly of the EAC audit report on the EAC financial statements and are subsequently referred to the respective Committees. The Committee reports to the Assembly the non-compliance of the provision of this Treaty.

The Committee recommends to the Assembly to appeal to Council of Ministers to comply with the provisions of the Treaty and ensure that it submits annual report on the progress made in the development of Common Foreign and Security Policies of the EAC.

The Committee further recommends to the Assembly to urge the Council to make progress reports to the Assembly on the status of the ratification and implementation of various protocols including those related to peace and security.

The Committee studied Council the report on progress made in the development of common foreign and security policies and observed gaps in both the content, methodology, format and information on critical aspects including those related to the status of ratification of protocols, progress and challenges with regard to security and foreign policy coordination.

During the interactive session with the department of political federation, their interpretation of article 59 was to limit the report on progress of development of policies without providing details about the process of policy/protocol development, causes of delays or challenges faced, responsible institutions, time frames and foreign and security policy coordination and matters related to cooperation with regional and international bodies.

The Committee recommends to the Assembly to urge the Council of Ministers to prepare a comprehensive report on its foreign and security policies. It should provide a detailed implementation matrix showing achievements, challenges faced and future prospects and any other information that will enhance the oversight function of the Assembly.

7.0 CONCLUSION

The Committee on Regional Affairs and Conflict Resolution held a meeting in Dar es Salaam, United Republic of Tanzania from 6th-9th February, 2022 to undertake scrutiny of the council report on progress made in the development of common foreign and security policies. The Committee examined the report, interacted with relevant officials from the EAC Secretariat and made observations and recommendations to the Assembly for consideration by the Council. The Committee appeals to the Assembly to adopt the report.