



**EAST AFRICAN COMMUNITY  
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**REPORT ON THE FOURTH INTER-PARLIAMENTARY  
RELATIONS SEMINAR (NANYUKI IV) ON THE THEME OF  
EAST AFRICAN COMMUNITY FROM CUSTOMS UNION TO THE  
COMMON MARKET: PROSPECTS AND CHALLENGES**

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## **ABBREVIATIONS AND ACRONYMS**

ACP:	African Caribbean and Pacific countries
CBOs:	Community Based Organizations
CET:	Common External Tariffs
EABC:	East African Business Council
EAC:	East African Community
EACJ:	East African Court of Justice
EADB:	East African Development Bank
EALA:	East African Legislative Assembly
ECOWAS:	Economic Community of West African States
EPA:	Economic Partnership Agreement
EU:	European Union
FA:	Framework Agreement
GATS:	General Agreement on Trade in services
LVBC:	Lake Victoria Basin Commission
LVFO:	Lake Victoria Fisheries Organization
MPs:	Members of Parliament
NA:	National Assemblies
NGOs:	Non-Government Organizations
NTB:	Non-Tariff Barrier
WTO:	World Trade Organization

## **EXECUTIVE SUMMARY**

This is the report of the fourth Inter-Parliamentary Relations Seminar held in Kigali, Rwanda on October 1-3, 2008. The recommendations reflect the developments in the EAC and the linkage between the EAC and EALA and NA. The following is a summary of the key issues that emerged from the Seminar:

### **Issue 1: Developments in the EAC – Recommendations**

- Realign EAC organs and institutions to facilitate speedy decision making.
- Review the Treaty for the Establishment of the EAC and suggest their implications on relevant organs.

### **Issue 2: Functional Relations: EALA and NAs – Recommendations**

- Ministers of the EAC should keep an eye on the implementation of projects with a regional dimension and ensure oversight and report to the EALA and other relevant organs accordingly.
- Clarify the mission and vision of the EAC to include highly visible institutions that directly promote regional integration such as the East African Railways, East African Customs, and East African Revenue Authority, as was the case in the former East African Community.

- Institutionalize the "*East African Cultural Events Day*" as one of the mechanisms for promoting regional integration and public awareness raising.
- Establish and operationalize a reporting mechanism and between the EALA and NAs.
- Circulate and publicize urgently studies on the performance of the EAC Customs Union both on-going and completed before the conclusion of the negotiations of the EAC Common Market.

### **Issue 3: Common Market Negotiations: Status and Challenges – Recommendations**

- Consult adequately with EALA and NAs in the EAC Partner States in the on-going negotiations relating to establishment of the EAC Common Market.

### **Issue 4: One Laptop per Child: High Quality Education as a Basic Human Right – Recommendations**

- Promote and adopt the project at the regional level with immediate effect.

### **Issue 5: The Role of the NAs in the Successful Conclusion of the Common Market Protocol – Recommendations**

- Reconfigure the institutional structures of the Secretariat to reflect the Common Market arrangements.

- Enhance the EALA's decision-making role in EAC matters, which have often been ignored

## **Issue 6: EPAs: Implications for the EAC – Recommendations**

- Engage EPA negotiators – Ministers and technocrats – in order for MPs from NAs, EALA and other stakeholders register their concerns in matters relating to a Development Chapter, flexibility and exceptions in market access provisions, periodic reviews, specific reviews, dispute settlements, proper approach to the Singapore issues and other relevant institutions before the final signatures.
- Urge EAC to evolve a strategic development cooperation strategy with other African regional economic communities as well as with emerging economies of China, India, and Brazil within the South to South economic cooperation framework.

## 1.0 INTRODUCTION

### 1.1 Background

The EALA is one of the seven organs of the EAC, being its legislative and oversight arm. Its current membership is 52 regional parliamentarians, 9 from each of the five Partner States of the East African Community. Under the provisions of Article 49 of the Treaty for the Establishment of The East African Community, the EALA is required, among other things, to liaise with the National Assemblies of the EAC Partner States on matters relating to the Community. However, because of the absence of a prescribed form in which the consultation is to be done, the EALA, in its wisdom, devised the annual "*inter-parliamentary seminar*", popularly known as the Nanyuki Seminar Series. The first seminar was held in Nanyuki, Kenya. Subsequent seminars were held in Entebbe, Uganda and Dar- Es-Salaam, Tanzania.

For the last three years, EALA has been conducting these annual inter-parliamentary relations seminars involving all the EALA Members and Staff, MPs from the National Assemblies on the Committees of Trade and Foreign Affairs. More recently, the seminars have involved Parliamentary Committees responsible for Health as well as EAC Secretariat officials. The issues discussed have been those which are deemed to be of great importance to the region and emergent proposals for joint efforts to tackle the challenges that the EAC faces. These seminars are therefore an initiative of the EALA intended to strengthen the functional relationship and existing structures for communication and information exchange between the East African Legislative Assembly as the regional legislature and the five National Assemblies of Kenya, Uganda, Tanzania, Burundi and Rwanda.

The fourth Nanyuki Seminar was held in Kigali, Rwanda, from 1<sup>st</sup> to 3<sup>rd</sup> October, 2008 on the theme "*EAC from Customs Union to the Common Market: Prospects and Challenges*". The recently signed FA between the EAC and the EU was also discussed. The outcome of the seminar was a joint communiqué that reiterated the support of NA's

on the need to deepen and widen the integration process in an expanded EAC. Further, action plans detailing the responsibilities of the National Assemblies in the process were also adopted. A follow up was made on the previous resolutions and action plans adopted at the previous three seminars with a view to reviewing progress and as a means of consolidating all achievements realized to date.

## **1.2 Seminar Objectives**

As noted above, the overall objective of the Nanyuki Seminars is to strengthen the functional relationship between the EALA and the NA's and to widen and deepen knowledge of the EAC and the integration process. Specifically, the Nanyuki IV was designed and structured to:

1. Provide an opportunity for the EALA to brief new Members of the NA's of the EAC Partner States on the progress made in the integration process of the EAC and the role of the EALA in that process.
2. Chart a way forward and/or action plan on the perceived priority areas of action and agree on how the EALA and the National Assemblies can best improve their functional relationships.
3. Provide an opportunity for Members of Parliament to be briefed on and to discuss the implications of the EPAs for the region.
4. Enable the EALA to bring about relevant positive changes within the operations of the Assembly.

## **1.3 Outcomes**

At the end of the seminar the following outcomes were registered:

- The Members of the NA's were provided with an opportunity to appreciate the progress made so far in the integration process of the EAC.



- There was an increased knowledge about the EAC, its organs and institutions including the EALA.
- An action plan was developed on the critical areas that require action and/or joint action by EALA and NA's.
- MPs appreciated the need for EPAs but questioned the lack of participation of key stakeholders and registered concerns about some of its unfavorable conditionalities.
- Members called on all stakeholders to work together with the EALA for the common good of the EALA, the EAC and the citizens of East Africa.

#### **1.4 Participants**

The seminar was officially opened by the President of the Republic of Rwanda, His Excellency Paul Kagame, the first Head of State to officiate the Seminar since it was instituted. It was attended by 170 participants from the EALA and from the relevant Committees of each National Parliament of the EAC Partner States. These participants also included a few invited Members from EAC Secretariat, from the ECOWAS Parliament (as observers) as well as a few invited guests from other institutions. The list of participants, programme and a Concept Note are attached as **Annexes 1, 2 and 3** respectively.

#### **1.5 The Theme of the Seminar**

The Nanyuki IV Seminar that was held in Kigali had the following theme: *"East African Community from Customs Union to the Common Market: Prospects and Challenges"*. This report contains a summary of issues discussed, highlighting progress, challenges, opportunities and the future prospects.

## **2.0 HIGHLIGHTING OF THE OPENING SESSION**

The opening ceremony was presided over by the Speaker of the EALA, Hon. Abdirahin Abdi who welcomed the guest of honor His Excellence President Paul Kagame and other important dignitaries. The official opening ceremony was pushed forward to the afternoon of the first day in order to accommodate the President who had arrived from a US trip that very morning.

### **2.1 The EALA Clerk: Introductory Remarks**

The Clerk started by welcoming the Members and invited guests to the Fourth Nanyuki Seminar. He went on to highlight a few changes in the program. He further noted that most of those who had been invited did, in fact, come and requested Heads of National Delegations to be seated at the high table and make statements one after another.

### **2.2 Statements by Heads of Delegation**

#### *2.2.1 The Kenyan Delegation*

The statement by the Head of the Kenyan Delegation was delivered by Hon. Shakeel Shabbir Ahmed. He started by thanking the EAC Partner States for supporting Kenya during the post- election conflict. He reminded participants to revisit the Mission and Vision of the EAC on regional cooperation and development. He further noted that there was a need to shift from an earlier development paradigm to a new one that seeks to deepen regional integration of EAC, enhance production, competitiveness and promote rapid capital development as well as facilitate rapid human capital development for the interest of the people.

Moreover, he called upon the EAC, National Parliaments of the EAC Partner states, and the EALA to avoid duplication and disjointed approaches to regional cooperation and integration. He identified the common enemies of the region as poverty, global marginalization and underdevelopment. He further noted that "*...as parliamentarians, we*

*must provide the necessary political will, resources and political drive to pursue regional integration as the best strategy to benefit the people of this region."*

He concluded by noting that the ongoing negotiations on the EAC Common Market were a matter of interest to all parliamentarians. He urged them to enhance their involvement and participation in relevant Parliamentary Committees at both the regional and national levels so as to achieve proactive harmonization of policies, laws and systems as well as build synergies and ownership of the process toward synergic congruence.

### *2.2.2 The Ugandan Delegation*

The Uganda statement was made by Hon. Al Haji Lule Mawiya. He started by thanking the organizers for inviting the delegation to the Seminar and congratulated the new EALA Members from Rwanda and Burundi, whose membership in no doubt will energize the Community in moving to even greater heights. He urged EAC Partner States to see to the implementation of the resolutions arrived at Nanyuki Seminars in order to accelerate the integration process. He noted the need to fast-track the political federation in order to reach the integration process within the timeframe stated i.e. 2013. He emphasized that Rwanda's move to allow trained labor to move freely in the Community should be applauded.

Hon. Al Haji Mawiya reminded Members of the need to sustain and consolidate regional integration achievements, promote effective utilization of the shared resources and promote the development of common projects as well as strengthen the agricultural sector, the backbone of the EAC economies.

### *2.2.3 The Rwandan Delegation*

The statement from the Rwandan Delegation was made by Hon. Higiyo Prosper. He started by thanking the EALA for choosing Rwanda to host the Fourth Nanyuki Seminar in Kigali. He also pointed out that it was the first time for Rwanda to participate in the inter-parliamentary seminar of the EALA. He further observed that... "We

*are honored for this and we reaffirm our commitment to catch up with all the developments and to meet our partners' expectations and aspirations."*

Regarding the establishment of the East African Parliamentary Institute for capacity building of parliamentarians and staff, he assured Members that the Rwandan Parliament would spare no efforts to make a close follow-up in order for the proposed Institute to bear fruits. He further assured the delegates that Rwandan Parliament looks forward to adding value to the EALA activities as a way of consolidating the EAC. Hon Prosper called upon all the parliaments of the region to play their respective roles in encouraging their governments to avoid duplication of efforts by participating in parallel regional economic communities.

#### *2.2.4 The Burundian Delegation*

The Leader of the Burundi Delegation Hon Ndikuriyo Reverien thanked the EALA for inviting them to the Fourth Nanyuki Seminar. He noted that this was the first time that Burundi was participating in the inter-parliamentary seminar of EALA. He further noted that the seminar was an important avenue for Members to discuss the progress and challenges of the EAC in general and those of the EALA in particular. He assured the Seminar participants that Burundi looks forward to working with the EALA and the EAC. He concluded by wishing Members productive seminar deliberations.

#### *2.2.5 The Tanzanian Delegation*

The statement by the leader of delegation from Tanzania was made by Hon. Zuberi Ali Maulid. He began by thanking the Seminar organizers for inviting the Delegation to the Seminar. He further acknowledged the crucial importance of the Nanyuki Seminar series. He noted that these seminars facilitate the promotion of the Members' understanding and appreciation of the EAC integration process, progress, challenges and the way forward. He impressed on the Members to acknowledge the fact that the principal beneficiary of the integration efforts was ultimately the East African citizens.

Commenting on the Seminar's theme, he noted that it came at the right time when the integration process was expanding and the public perception towards the EAC was improving. Hon. Maulid reminded the Members that the time had come to critically review what has been achieved so far and the challenges ahead. He concluded by emphasizing the urgency for reviewing the EAC Treaty in order to allow for direct elections of East African Legislative Assembly Members so that they would become accountable to well defined constituencies and hence, thus, as a consequence be able to promote awareness to the public.

#### *2.2.6 The ECOWAS Delegation*

The Statement of the ECOWAS Delegation was made by Hon. Yormie Johnson. He began by expressing gratitude to the EALA and to the Rwandan Government for the warm welcome and hospitality. He further acknowledged that the ECOWAS Delegation was in Kigali primarily to learn from the EALA experiences and best practices.

He further noted that the idea of establishing regional communities in Africa was in response to the challenges of the small markets of individual countries. Regional communities enjoy economies of scale, greater investment opportunities and larger markets. He reminded participants that the ECOWAS is composed of 15 Partner States of Anglophones, Francophone and Lusophone countries, each reflecting a different colonial heritage. Hon. Johnson informed the Seminar participants that the ECOWAS Parliament was in a process of transition, which was scheduled to end in 2010. Its mandate would then be transformed from that of an advisory role to that of a legislative role and would be directly elected.

He also pointed out that despite its initial limitations, the ECOWAS parliament has been engaged in a number of topical subjects which have resulted in Parliamentary Resolutions and Recommendations to the Authority of Heads of State and Government of ECOWAS. It has also played a critical role in the establishment of peace in the sub-region, particularly in the Mano River Region, Guinea and most recently, in Togo. The ECOWAS parliament looks forward to

strengthening relations with EALA. He wished the Seminar participants productive deliberations and promised to invite an EAC member as the top guest speaker during the inauguration of the ECOWAS Parliament in 2010.

#### *2.2.7 Statement by the Speaker of EALA*

The speaker of EALA Hon. Abdirahin Abdi introduced His Excellence President Paul Kagame. He expressed great gratitude to His Excellence for officially opening the Nanyuki Seminar. He went on to give a short history of the Nanyuki Seminar series and its critical importance in promoting inter-parliamentary relations. He noted that the issues for the Seminar discussions were largely informed by developments in the EAC. Views, ideas and opinions were to be sought from MPs of EAC Partner States and from the EALA.

Hon. Abdi decried the practice whereby regional integration negotiations were undertaken by the executive branch without adequate consultations with their respective Parliaments. He urged EALA to openly challenge this mistaken strategy and suggested that there was an urgent need to fully involve the Members of EALA and those of National Parliaments from the start to the end.

He further urged the Seminar participants to propose ways in which parliaments could be involved in all major decision-making of the EAC. He concluded by observing that the EALA had invited a delegation from ECOWAS as a sign of bilateral networking with sister regional parliaments. He expressed hope that this gesture would signal a formalization of such relationship in the near future.

#### *2.2.8 Address by the President of the Republic of Rwanda*

The Fourth Nanyuki Seminar was officially opened by His Excellence President Paul Kagame. He started by welcoming all Seminar participants to Rwanda. He further noted that the theme for discussion i.e. "*East African Community from Customs Union to the Common Market: Prospects and Challenges*" was not only timely but was quite an important subject matter for our Parliamentarians to deliberate. He also observed that this particular Seminar was very

important as it introduced the Rwandan and Burundi Members to one of the EAC Community's major activities. He also acknowledged the idea of inviting ECOWAS delegation as a mature gesture of Pan-Africanism.

President Kagame further observed that the regional integration process deserved a critical reflection and pointed out that integration efforts globally were at different phases in different regions. However, he noted that each region faced different challenges. These differences stemmed from the fact that even though the benefits of regional integration were generally known, very often, the execution of a regional project tended to stall due to different levels of political commitment.

He further observed that regional integration cannot be taken for granted, even when it had shown remarkable signs of success in East Africa. The process, he counselled, called for constant nurturing, and it also needed champions – and most of all, it required to be owned by citizens of Partner States who constitute the ultimate beneficiaries of regional integration.

He appealed to the five NA's of East Africa, together with the EALA, to play a vital role in determining the type of Community to be built. The Community's interests must necessarily rise beyond those of individual national interests. He concluded by noting that National Parliaments and EALA were duty-bound to inform, educate and persuade their constituencies on the common good of the East Africa Community.