



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

**RESOLUTIONS OF THE ASSEMBLY ON THE
DRAFT PROTOCOL ON CUSTOMS UNION AND
STANDARDIZATION, QUALITY ASSURANCE,
METROLOGY AND TESTING (SQMT)
PROTOCOL**

**By: Hon. Yonasani B. Kanyomozi (MLA) and adopted by
the Assembly on Thursday, October 16, 2003.**

THAT THIS ASSEMBLY;

HAVING RECEIVED and considered the report of the Committee on Communications, Trade and Investments on the Public Hearings they conducted in the three Partner States with regard to the Draft Protocol on Customs Union and SQMT Protocol;

AWARE of the Status and contents of the draft Protocol on Customs Union and SQMT Protocol;

NOTING the concerns of the stakeholders in the three Partner States during the public hearings;

FURTHER NOTING the urgency of the time left before the signing of the Protocol on Customs Union;

RECOGNISING the ongoing negotiations by the High Level Task Force (HLTF) on the Legal Framework for operationalisation of the Protocol on Customs Union;

NOTING THAT the Partner States belong to two different regional trading blocs;

APPRECIATIVE of the enormous efforts and the progress so far made by the three Partner States in negotiating the current status of the Draft Protocol on Customs Union and SQMT Protocol;

RELYING on the Provisions of Article 49 (2) (d) which empowers the Assembly to make recommendations to the Council as the Assembly may deem necessary for the implementation of the Treaty; and

AWARE of the fact that Article 75 of the Treaty regarding the issues of a Customs Union is about to be implemented.

NOW DO RESOLVE to recommend to the Council the following measures that should be taken into account before the signing of the Protocol on Customs Union and the Implementation of the Protocol on SQMT;

1. To ensure that the Protocol on Customs Union is signed on or before 30th November, 2003 as per the Treaty.
2. To ensure that the Protocol on Customs Union is ratified on or before 31st March, 2004 so that the Protocol is operationalized by 1st July, 2004.
3. To urge Kenya and Uganda to ratify the SQMT Protocol so as to operationalise it in the next Financial Year.
4. The Council should initiate the relevant Bills to operationalise the Protocols.
5. Sensitization workshops involving all stakeholders should be held immediately after the signing and ratification of the Protocol on Customs Union.
6. A co-ordinating office should be established at Arusha for the Bureaus of Standards and Customs.
7. All the laws relevant to Customs Unions and SQMT in the Partner States should be harmonised as a matter of urgency.
8. The Council should take an immediate decision on the Legal Framework and Institutional arrangements regarding the mode of collection and distribution of the collected revenues.
9. The infrastructural bottlenecks regarding costs of Power, Telecommunications, Water, transport e.t.c. should be immediately addressed.

10. The Council should fast track the process of regional integration in order to enable the Community to negotiate with other blocs as a single unit.
11. There is need for an urgent action on the Protocol on the free movement of persons, labour, services, right of establishment and residence as the Customs Union cannot work without this decision.
12. All pending issues and particularly those regarding definition of terms should be quickly finalised.
13. The Protocol on Customs Union should clearly spell out the role of the East African Court of Justice as the instrument for arbitration as per Article 32 of the Treaty.
14. The Council of Ministers revisits the provisions of article 36 of the Draft Protocol on Customs Union which contravenes Article 49 and 151 of the Treaty.
15. All the organs of the EAC should be capacitated and facilitated in order to operationalise the Customs Union and SQMT.

CERTIFIED BY:

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..... DATE: *16th/October/2003*

Kenneth Madete
AG. CLERK