



## **EAST AFRICAN COMMUNITY**

### **EAST AFRICAN LEGISLATIVE ASSEMBLY**

#### **MOTION FOR A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL TO ESTABLISH PRACTICAL WORKING RELATIONS BETWEEN THE ORGANS OF THE EAST AFRICAN COMMUNITY**

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By: Hon. Abdullah Mwinyi (MLA) and

**WHEREAS** Article 9 of the Treaty for the Establishment of the East African Community establishes the Organs of the Community with each performing the specific assigned functions, and acting within the limits of the powers conferred upon it by or under the Treaty;

**AND WHEREAS** all the Community organs as envisaged by the Treaty are fully operational and interact in the day to day affairs of the Community;

**AWARE** that the doctrine of separation of powers is entrenched in the Treaty for the establishment of the East African Community;



**NOTING** that Article 14 (1) and (3) of the Treaty makes the Council of Ministers the policy organ of the Community with powers to give directives to Partner States and all organs of the Community other than the Summit, Court, and the Assembly;

**FURTHER NOTING** that under Article 16 the regulations, directives and decisions of the Council are binding on the Partner States, all organs and Institutions of the Community other than the Summit, Court and the Assembly;

**FURTHER NOTING** that Article 14 (3) (a) specifically enjoins the Council to make policy decisions for the efficient and harmonious functioning and development of the Community;

**AWARE** that under Article 71 (o) the Secretariat is the organ of the Community responsible for the establishment of practical working relations with the Court and the Assembly;

**FURTHER AWARE** that Article 49 (2) (d) of the Treaty enjoins the Assembly to discuss all matters pertaining to the Community and to make recommendations to the Council as it may deem necessary for the implementation of the Treaty;

**RECALLING THE ASSEMBLY'S** resolution adopted on 19<sup>th</sup> February 2003 calling on the Council of Ministers to establish practical working relations with the Court and the Assembly;

**NOW THIS ASSEMBLY:**

**CONCERNED** that the absence of a mechanism to promote practical working relations has manifested itself in misrepresentation of the roles of the different organs;



**FURTHER CONCERNED** that the roles of the different organs of the Community are not properly appreciated;

**DETERMINED** to promote the widening and deepening of the EAC integration through its legislative, oversight and budgetary mandate; and

**CONSCIOUS** of the fact that if established, the practical working relations will enhance institutional development within the Community and EAC.

**DO RESOLVE AS FOLLOWS:**

1. **THAT** the Council do direct the Secretariat to establish measures aimed at establishing practical working relations with the Court and the Assembly;
2. **THAT** the Council do direct the Secretariat to establish a forum at which the four organs; the Council of Ministers, the Assembly, the Court and the Secretariat, the Court and the Assembly can hold regular consultative meetings on matters pertaining to the Community;
3. **THAT** the Council of Ministers do direct the Secretariat to arrange quarterly meetings for all the organs of the Community other than the Summit to discuss matters pertaining to the Community; and
4. **THAT** the Council be urged to report to the Assembly at its next meeting the progress of implementing this resolution.