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

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 19th 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.