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27TH SEPTEMBER 2018



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PCA

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

MOTION FOR A RESOLUTION OF THE ASSEMBLY URGING PARTNER STATES TO ADOPT, APPLY AND IMPLEMENT MEASURES TO FACILITATE THE FREE MOVEMENT OF PERSONS AND LABOUR WITHIN THE COMMUNITY

(Moved under Articles 59 and 104 of the Treaty, Part D of the Common Market Protocol and Rule 26 of the Rules of Procedure of the Assembly)

Mover:

HON. KIM GAI

Seconded:

HON. PAUL MUSAMALI MWASA

WHEREAS under Article 104 (1) of the Treaty for the Establishment of the East African Community, Partner States agreed to adopt measures to achieve the free movement of persons and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community;

AND WHEREAS in accordance with Article 104(2) of the Treaty, the Partner States undertook to conclude a Protocol and indeed concluded the Common Market Protocol which provides for free movement of persons and labour within the Community;

WHEREAS Article 7(1) of the Common Market Protocol guarantees the free movement of persons who are citizens of other Partner States within their territories and all Partner States undertook under Article 7(2) (a) of that Protocol to ensure the entry of citizens of other Partner States into their territory without a visa;

AND WHEREAS Article 10 of the Common Market Protocol guarantees the free movement of workers of all Partner States within the Community and in accordance with this Article, Partner States, made a commitment to open up employment within their territories for professional workers and to ensure non-discrimination of workers based on their nationalities;

AND WHEREAS the Republic of Kenya and the Republic of Uganda require citizens of the Republic of South Sudan to obtain a visa before entry into their territories and the Republic of South Sudan also requires citizens of the Republic of Kenya and the Republic of Uganda to obtain visas;

AND WHEREAS the Republic of Kenya and the Republic of Rwanda have waived work permit fees for the citizens of the two Partner States, all Partner States still require hefty amounts in fees for work permits from citizens of another Partner State before seeking and obtaining employment in their territory;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS:-

RESOLUTION

That in accordance with Article 104 of the Treaty and Articles 7 and 10 of the Protocol on the Establishment of the East African Community Common Market, the Assembly calls upon and urges:

- (a) the Republic of Burundi, the Republic of Kenya and the Republic of Uganda to adopt measures to facilitate the entry of citizens of the Republic of South Sudan into their territories without a visa;
- (b) the Republic of South Sudan to adopt measures to facilitate the entry of citizens of all Partner States into her territory without a visa;
- (c) the Council of Ministers to direct Partner States to operationalize Annex II, Regulation 6(9) of the East African Community Common Market (Free Movement of Workers) Regulations which states: "*Where a worker secures employment for a period of more than ninety days, the worker may, before being issued with a work permit, apply for, and be issued with a special pass;*" and
- (d) the Council of Ministers to amend the East African Community Common Market Protocol and its annexes to address the gaps and issues of discrimination of East Africans when it comes to issues of employment, free movement of persons, labour, goods, capital and services within the East African Community.