

***National Identification Document, Access and use of Land, Permanent Residence still unresolved***

***East African Community Headquarters, Arusha Tanzania, Thursday 9 April March 2009:***

The joint meeting of the Sectoral Council on Trade, Industry, Finance and Investment and that of Multi-Sectoral Council on EAC Common Market Protocol to consider among others the draft EAC Common Market Protocol has ended today in Kampala, Uganda.

The joint meeting was officially opened by the Rt. Hon. Prime Minister and Minister of EAC Affairs of the Republic of Uganda, Hon. Eriya Kategaya, on behalf of H.E the Vice President of Uganda, Gilbert Bukenya. The opening ceremony was attended by among others; the Chairperson of EAC Council of Ministers and Minister of EAC Affairs of the Republic of Rwanda, Hon Monique Mukaruliza; Honourable Ministers, Permanent Secretaries, Ambassadors and High Commissioners, the Director General of EAC Directorate of Customs and Trade, Mr. Peter Kiguta, and the EAC Deputy Secretary General in charge of Projects and Programmes, Amb. Julius Onen.

The Rt. Hon. Prime Minister welcomed delegates to Uganda and implored them to take advantage of their presence in Uganda to explore the full potential of the country. Hon. Kategaya re-affirmed the Government of Uganda's strong commitment to regional integration and that solid national development can only be attained through the framework of regional cooperation. Hon. Kategaya urged the Partner States to realize consensus on the freedoms and rights of the East African people as enshrined in the proposed Draft Protocol, as this will enable the citizens to tap the benefits of the Common Market.

The Rt. Hon. Prime Minister urged the Ministers not to forget the issues associated with the collapse of the Community in 1977 and at the same time not to be overwhelmed by fear factor as a result of the past experiences.

On behalf of the Secretary General of the East African Community, Amb. Julius Onen welcomed the Rt. Hon. Prime Minister and the distinguished delegates to the joint meeting and expressed the Secretariat's appreciation to the government of Uganda for hosting the joint meeting.

The Deputy Secretary General noted that in order for the East Africans to enjoy the rights and freedoms stated in the draft proposed Protocol, the entire cooperation framework in the Treaty has to be operationalized and that meant shifting the cooperation paradigm from purely cooperation to full integration of the Partner States and making the integration process truly people-centered.

Amb. Julius Onen said with the Common Market Protocol being in its final stages of conclusion, the cardinal freedoms and rights enshrined in the Protocol will unleash to the people of East Africa all factors of production; their rights; and freedoms as East Africans to create one big dynamic market.

“We are therefore at a critical stage of determining the destiny of the people of East Africa. All of

us here therefore are mandated to fulfill the dreams of the framers of our Treaty to have a united and prosperous East Africa with one single Common Market, Monetary Union and ultimately Political Federation.

Amb. Onen reiterated that concluding the negotiations of the Common Market Protocol was only the beginning of the process; the biggest challenge was to take the Protocol to the people for whom it is intended. He said unlike the Customs Union Protocol whose scope was limited to Customs and Trade, the Common Market Protocol involves the entire citizenry of East Africa and therefore it was important that Partner States design mechanism and programmes to quickly popularize and sensitize the population about their freedoms and rights that the Protocol accords them.

“Indeed, the need for developing and implementing a comprehensive Information, Education and Communication (IEC) strategy on the Protocol by all the Partner States cannot be overemphasized”, stressed the Ambassador.

He said the IEC programme should be intensively conducted between the time the Protocol is signed and operationalized. And it was the responsibility of the Partner States to take the lead in sensitizing and creating awareness of the Protocol as the EAC Secretariat would only supplement the efforts of the Partner States.

Amb. Onen informed the Ministers that the draft Protocol may not be that perfect because there can never be a perfect Agreement, Protocol, Treaty or even a Constitution. He said the fundamental aspiration was to have a good Protocol.

“And a good Protocol is one where there is consensus by all the Parties and in our case, the draft EAC Common Market Protocol is by and large a product of consensus by all the Partner States”. “We therefore believe and hope that the Protocol will open the doors and opportunities to unite the people of East Africa into a single, prosperous and competitive market”, asserted Amb. Onen.

The joint meeting of the Sectoral Council on Trade, Industry, Finance and Investment and that of Multi-Sectoral Council of Ministers on EAC Common Market Protocol considered and agreed on almost all the provisions of the draft EAC Common Market Protocol, except on the following 3 areas:

1. National Identification Document to be used to ease free movement of the East Africans across the borders. Article 6 (6) and (7) of the Protocol in regard to Free movement of Persons: The United Republic of Tanzania’s position is that the national identification document may, among other standard travel documents, facilitate the free movement of the holders, thereof, for Partner States that would have accepted its use. Kenya, Rwanda, Burundi and Uganda’s position is that the national identification document shall, among other standard travel documents, facilitate the free movement of the holders, thereof, for Partner States that would have accepted its use prior to coming into force of the Protocol.
2. Access and use of Land in Sub-Article 12(d). Rwanda, Kenya, Burundi, and Uganda’s

position is to have the sub-article in place which states: by enabling a national of one Partner State to access and use land and premises situated in the territory of another Partner State for purposes of establishment in accordance with the national laws of the Partner States. Tanzania's position is that land is not a Common Market Protocol issue and hence this sub-article should be deleted altogether.

3. Permanent Residence; Article 18: All the Partner States agreed to bracket the Article which states:

[PERMANENT RESIDENCE

(1) Any citizen of the Partner State who will have resided in the territory of another Partner State for a period exceeding 5 years as resident shall be entitled for permanent residence status upon undergoing necessary administration procedure in a competent authority

(2) The dependant and spouse of the person entitled to such status provided in sub-Article 1 shall also be entitled to the same status accorded to the principal.

(3) Notwithstanding the conditions provided in sub article 1 and 2 of this article the Council may from time to time provide for any other circumstances in which the citizen of a Partner State can be entitled with this status without necessarily meeting the said conditions].

4. Regulations, Directives and Decisions; and Conclusion of Annexes: Article 87, 88. Whether it is the Partner States or the Council to conclude regulations or directives and annexes that are necessary to give full effect to the provisions of the Protocol. Tanzania maintains it is the Partner States and not the Council. Rwanda, Kenya, Burundi, and Uganda's position is that this is the preserve of the Council of Ministers.

Apart from those bracketed areas, the draft EAC Common Market will now be presented to the 7th meeting of the EAC Sectoral Council on Legal and Judicial Affairs scheduled for 16-24 April 2009 in Arusha, Tanzania for further scrutiny before submitting to the Summit of EAC Heads of State to take place on 29-30 April 2009, also in Arusha, Tanzania.

The negotiations were held in a cordial and conducive atmosphere through a truly brotherly hospitality for the negotiations and in the overall context of the spirit of East Africa. In the history of the EAC integration, the Common Market Protocol negotiation process has broken all the records for having been negotiated and concluded within 12 months.