



STRENGTHENING POPULAR PARTICIPATION IN THE EAST AFRICAN COMMUNITY

AN EAC GUIDE TO EAC STRUCTURES AND PROCESSES



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JUNE 2012

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FOREWORD

The EAC Secretariat is pleased to introduce this Sensitization Manual which is specifically meant to sensitize East African non-state actors. The non-state actors which comprise of civil society, private sector and other interest groups are an important group in the integration process. Their role is clearly highlighted in Articles 127 to 129 of the Treaty for the Establishment of the East African Community.

As we deepen the integration process, it is imperative now that we fully engage non-state actors and this Sensitization Manual will definitely create awareness and enhance their participation in the process.

The genesis of this Sensitization Manual is Article 7(1) (a) – people-centred and market-driven co-operation to support the EAC as an entity and the Partner States in realizing:

- a) Strengthened economic, social, cultural, political, technological and other ties for a fast balanced and sustainable development of the region; and
- b) Improved standards of living, enhanced economic stability, and close and peaceful relations among the Partner States.

This Sensitization Manual seeks to achieve this vision. It is a tool to assist non-state actors to engage with EAC policies and programmes. It describes the EAC decision-making process and outlines the roles and responsibilities of the EAC Institutions and Organs.

I trust that this Sensitization Manual will contribute to deepening and strengthening knowledge about the role of the East African Community in the lives of the people of the region, and also enrich national and regional discussions on integration and development.

The citizens of the region are keen to be in the driving seat as local democracy gains momentum and the space for participatory decision-making widens.

Finally, I would like to take this opportunity to thank the German Development Cooperation (GIZ), OXFAM Great Britain, the East African Civil Society Organisations Forum (EASCOF), the East African Business Council (EABC) and the East African Local Governments Association (EALGA) for contributing towards the preparation of this sensitization manual.



Dr. Richard Sezibera
Ambassador
SECRETARY GENERAL

ACRONYMS

| | |
|---------|--|
| Art. | Articles of the EAC Treaty |
| CBI | Cross-Border Initiatives |
| CBO | Community-based Organisation |
| CS | Civil Society |
| CSO | Civil Society Organisation |
| EAC | East African Community |
| EACT | Treaty for Establishment of the East African Community |
| EACJ | East African Court of Justice |
| EACSOFF | East African Civil Society Organisations' Forum |
| EADB | East African Development Bank |
| EALA | East African Legislative Assembly |
| EALGA | East African Local Government Association |
| EASTCO | The East African Science and Technology Commission |
| ID | Identification Card |
| IUCEA | Inter-University Council for East Africa |
| LG | Local Government |
| LVBC | Lake Victoria Basin Commission |
| LVFO | Lake Victoria Fisheries Organisation |
| MEACAs | Ministry of East African Community Affairs |
| PS | Private Sector |
| PSO | Private Sector Organisation |

PART I: AN OVERVIEW OF THE EAST AFRICAN COMMUNITY



1. Vision and Mission of the East African Community

The vision of the East African Community is that of a prosperous, competitive, secure and politically united entity, focusing its efforts on improving the quality of life of its citizens through increased competitiveness, value added production, trade and investment.

2. EAC Core Values

The EAC subscribes to the core values of professionalism, accountability, transparency, teamwork and unity in diversity.

3. Objectives of the Community

The primary objective of the Treaty is to raise the living standards of the people through promotion of entrepreneurial skills and collaboration. For this to take place, the EAC must uphold good governance, free market economy and rule of law as pre-requisites for regional development and global partnerships.

The successful implementation of the Treaty requires total cooperation of the residents of East Africa; and the willingness, commitment and action of states, markets and civil society towards total social inclusion.

4. Facts and Figures

The EAC is an intergovernmental organisation which includes the Republics of Burundi, Kenya, Uganda, Rwanda and the United Republic of Tanzania.

The total population living within the EAC is approximately 133 million, according to 2011 figures. The main economic activity is agriculture and related industries.

5. Partner States

Each Partner State has established a Ministry in charge of East African Community Affairs and the Ministries coordinate the affairs of the Community at national level. The Ministries are also charged with sensitizing and popularizing

the regional integration activities at the national levels.

Partner States are tasked to broaden and deepen their consultation processes to ensure inclusive decision making, policy formulation and implementation. As a result, stakeholders are informed and fully engaged in shaping the Community.

6. History of Cooperation in East Africa

The United Republic of Tanzania, the Republics of Kenya and Uganda are together known as East Africa. They have been cooperating for many years on account of the following reasons:

- a) the three countries are neighbours;
- b) they trade together with people moving across the three countries;
- c) they were all administered by the British during the colonial period;
- d) they have a common history, language and culture
- e) the region is endowed with natural resources and geographical advantage; and
- f) they have robust infrastructural network linkages

The three countries have had the following cooperation arrangement in the past:

- a) organized cooperation started with the construction of the Kenya-Uganda Railway between 1897 and 1901;
- b) in 1900, a Customs Collection Centre was established in Mombasa between Kenya and Uganda. Taxes for goods entering Kenya and Uganda were collected at Mombasa;
- c) in 1905, Kenya and Uganda used the same money provided by the East African Currency Board;
- d) in 1917, a Customs Union was established between Kenya and Uganda, which Tanganyika joined in 1922. Under the Customs Union, there were no taxes for goods within the three countries, and all goods coming from other outside countries were taxed at the same rate (common external tariff);

- e) during 1947 and 1961, and East African High Commission existed to control all cooperation activities;
- f) between 1961 and 1966, there was the East African Common Services Organization; and
- g) in 1967, the East African Cooperation was established. There was joint ownership and operation of services managed by East African Railways and Harbors, the East African Airways, the East African Posts and Telecommunications, the Inter-University Council for E.A and the East African Currency Board. There was also the Court of Appeal for East Africa and the East African Legislative Assembly. Other services included research in plant and animal diseases, marine sciences, statistics and education.

In 1977, the East African Cooperation collapsed. The main reasons for the collapse were:

- a) lack of strong political commitment to cooperate;
- b) use of different economic systems which made it difficult to implement the Community activities;
- c) lack of fair distribution of the benefits from the Community and lack of adequate compensation methods to take care of the imbalance;
- d) lack of strong participation by the business community (private sector) and the civil society. The Community was an understanding of the Governments. When the Governments failed to solve the challenges and disagreed, it collapsed.

Under the East African Community Mediation Agreement of 1984, by which properties of the (former) Community were divided, the three countries 'agreed to make arrangements for future cooperation'.

Accordingly, the presidents of Kenya, Tanzania and Uganda consulted and reached the following conclusions.

- a) despite the collapse of (former) community, the people of East Africa had continued to trade together;

- b) the individual East African countries do not have big markets to attract investments; and
- c) elsewhere, countries were coming together, as regional bodies for economic development.

On November 30th 1993, the Agreement for the establishment of Permanent Tripartite Commission of East African Cooperation was signed. On March 14th 1996, the Secretariat of the Commission was established in Arusha, Tanzania.

In 1997, negotiations to transform the Tripartite Agreement into a Treaty began. The Treaty for the Establishment of the East African Community (the Treaty) was signed on November 30th 1999. Under the Treaty the Partner States of Kenya, Tanzania and Uganda, set out a bold vision for their eventual unification and outlined a comprehensive system of cooperation among themselves.

On 1st July 2007, the Republics of Rwanda and Burundi were admitted and became fully fledged members of the Community.

The **Treaty** is:

- Designed to foster regional peace and security, while providing an appropriate response for economic development and competitiveness in light of globalization of trade and transnational corporations; and
- A people-centered and private sector-led regional integration organisation establishing cooperation among the EAC Partner States, the Civil Society and the business community.

The Treaty is supplemented by a number of Protocols defined as “any agreement that supplements and amends or qualifies the Treaty”¹. A Protocol is the outcome of negotiated and agreed positions to which the Partner States of the EAC are signatories. The signing of a Protocol acts as a pre-cursor for the EAC Secretariat to embark on the implementation of policy decisions as directed by the Policy Organs

of the Community.

Protocols translate into specific and implementable tasks in the form of scope, principles, objectives and obligations. The ratification of the Protocol by Partner States gives the green light for the establishments of Institutions and Commissions of the EAC. Samples of the recently ratified Protocols include:-

- [Protocol for the Establishment of the East African Customs Union](#)
- [Common Market Protocol](#)
- [Protocol on Decision Making by the Council](#)
- [Protocol on Combating Drug Trafficking in the East African Region](#)
- [Protocol on Standardization, Quality Assurance, Metrology & Testing](#)
- [Protocol for the Sustainable Development of the Lake Victoria Basin](#)
- [Protocol on Establishment of Civil Aviation Safety & Security Oversight Agency \(CASSOA\)](#)
- [Protocol on Foreign Policy Co-ordination](#)
- [Protocol on Environment & Natural Resources - Pending Ratification and Entry into Force](#)
- [Protocol on Establishment of Kiswahili Commission - Pending Ratification and Entry into Force](#)
- [Protocol on Establishment of the East African Health Research Commission- Pending Ratification and Entry into Force](#)
- [Protocol on the Establishment of the East African Science and Technology Commission - Pending Ratification and Entry into Force](#)

¹ *The Treaty for the Establishment of the East African Community, p.9*

7. Treaty provisions for non state actors participation

The Treaty for the Establishment of the East African Community underscores the people-centered and market-driven cooperation² and emphasizes on multi-level participation and the involvement of wide range of stakeholders in the process of integration³.

The Treaty also mentions the principle of complementarity⁴ whereby people will participate in the Community activities at all levels: Partner States, individual, company, association, group, NGO and other interest groups like women, youth and others. The activities shall be as many as possible like trade, transport, farming, banking, tourism, fishing, mining, sports, youth and women programmes and many others.

Additionally, the Partner States agree to ensure that the private sector and civil society organisations benefit from the Community. Accordingly, the Partner States shall:

- i. put in place investment laws that encourage private business;
- ii. develop their markets through better road/rail linkages and the removal of all obstacles to market development;
- iii. encourage investment across the borders and strengthen cooperation of their Chambers of Commerce and similar organisations;
- iv. establish, in collaboration with their Chambers of Commerce, lending institutions to cater for the small-scale businessmen;
- v. promote the participation of non-governmental organisations in the development activities within the Community.

The Secretary General shall make the necessary arrangements for periodic consultations to be held between the private sector, civil society organisations, other interest groups and the relevant institutions of the Community.

2 Article 7, 1.(a)

3 Article 7, 1. (d)

4 Article 7, 1. (g)

The Partner States shall strengthen the private sector's role in the development of their economies accordingly, the Partner State shall:

- i. encourage the efficient use of scarce resources.
- ii. promote the development of private sector organizations which are engaged in all types of economic activity, such as chambers of commerce and industry, confederations and associations of industry, agriculture, manufacturers, farmers, traders and service providers and professional groups.
- iii. encourage and sponsor practical, resourceful and creative methods of income generation in the private sector; and
- iv. establish a quality information system which will allow collection, harmonized processing and timely dissemination of data and information.

The Partner States undertake to co-operate in promoting common measures to ensure the strengthening of linkages among their business organizations, employees' and employers' organization and professional bodies. Accordingly, the Partner States agree to:

- i) support activities which will promote trade and investment among the Partner States;
- ii) contribute to the efficient operations of business interest groups;
- iii) encourage the Council of Ministers and other relevant institutions to take decisions that are useful to the private sector and ensure the implementations of decisions.

The Council of Ministers shall put in place methods for the effective contributions of private sector and civil society to the development of the Community.

Accordingly, the Council of Ministers shall:

- i) put in place means of settling disputes among the business community;
- ii) encourage the efficient use of scarce resources and promote the development of private sector organization, such as, the Chamber of Commerce and Industry, Confederations and Associations of Industry, Agriculture, Manufacturers, Farmers, Traders and Services Providers and Professional Groups;

- iii) encourage and sponsor practical and resourceful methods of income generations in the private sector, and
- iv) establish a quality information system which will allow collection, harmonized processing and timely dissemination of data and information.

8. Treaty provisions for areas of cooperation with non state actors

The Partner States shall undertake joint activities with non state actors in various areas of cooperation including but not limited to:

- the promotion of programmes for disadvantaged and marginalised groups like the PWDs, elderly, youth, children among others⁵ ;
- the enhancement of women in socio-economic development, e.g. participation of women in decision making processes at the policy formulation and implementation levels⁶ ;
- the promotion of peace and security through cooperation and consultations in order to prevent, resolve and/or manage differences between the Partner States⁷ ;
- the cooperation in health, culture and sports and social welfare programmes⁸ ;
- the development of common education programmes at all levels and the joint establishment of research institutions in the various areas of science and technology⁹ .



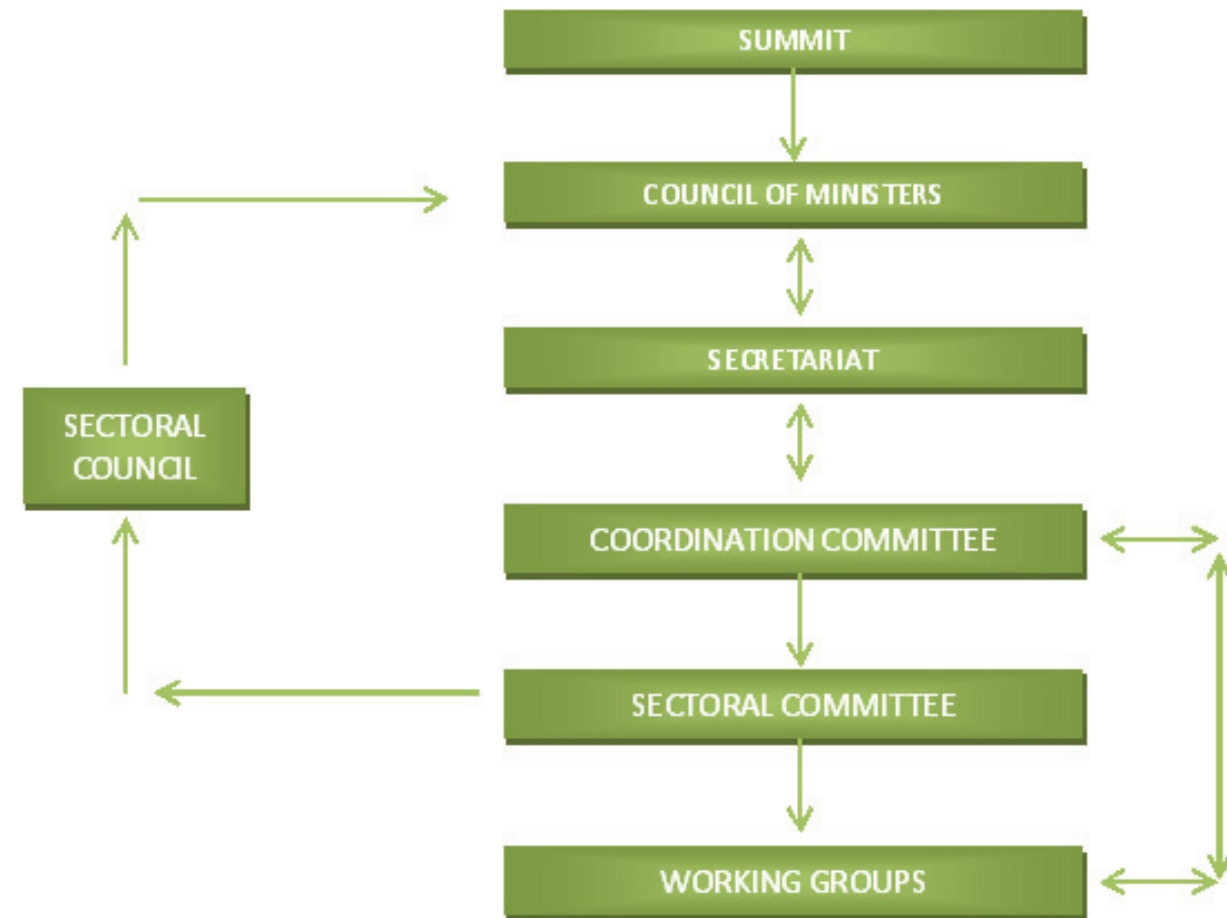
5 Article 120 (c)
6 Articles 121-122
7 Articles 124-125
8 Articles 118 to 120
9 Article 102-103

PART II: A DESCRIPTION OF EAC ORGANS AND INSTITUTIONS AND THEIR IMPACT ON SOCIETY



1. Treaty Provisions for the Establishment of EAC Organs and Institutions

The main Organs of the EAC are the Summit of Heads of State; Council of Ministers; Co-ordination Committee; Sectoral Committees; East African Court of Justice, East African Legislative Assembly; and the Secretariat. These Organs derive their authority from the Treaty¹⁰ and their mandate from the people of the region.



¹⁰ Article 9

2. The Summit ¹¹

The Summit consists of the Heads of State of the Partner States and gives general direction and thrust to the development and achievement of the objectives of the Community. The Summit meets at least once a year to consider the annual progress reports and such other reports submitted to it by the Council. It may also hold extraordinary meetings as necessary. It also reviews the state of peace, security and good governance within the Community and the progress achieved towards political federation of the Partner States.

The Treaty may confer other functions to the Summit and the Summit may in turn delegate the exercise of any functions to a member of the Summit, to the Council or to the Secretary General.

The Summit shall not delegate the following functions¹² :

- (a) giving of general direction and impetus;
- (b) appointment of Judges to the East African Court of Justice;
- (c) admission of new members and the granting of observer status to foreign countries; and
- (d) the assent to Bills.

The Summit is also empowered by the Treaty to make rules and orders to guide and direct operations of the Community. Where such rules and orders are made the Summit shall publish in the Gazette and shall come into force on the date of publication.

The Summit determines its own procedures and its decisions are reached through consensus. These decisions are binding to all citizens and directly impact on their lives. This is the reason why the decision-making process at the EAC is objective and well informed.

¹¹ Articles 10 to 12
¹² Article 11 (9) (a)

3. The Council of Ministers ¹³

The Council of Ministers is the Policy Organ of the Community. It consists of the Ministers responsible for regional co-operation of each Partner State and such other Ministers of the Partner States as each Partner State shall determine. Amongst its functions, the Council promotes, monitors and keeps under constant review the implementation of the programmes of the Community and ensures the proper functioning of the regional organisation. The Council meets in regular sessions, at least twice a year, one of which is held immediately preceding a meeting of the Summit, and may hold extraordinary meetings as necessary. The Council may establish Sectoral Councils to deal with such matters as arise under the Treaty and the decisions of such Sectoral Councils will have the same effect as those of the Council of Ministers.

4. The Coordination Committee¹⁴

The Co-ordination Committee consists of the Permanent Secretaries responsible for regional co-operation in each Partner State and other such Permanent Secretaries of the Partner States as each Partner State may determine.

The Coordination Committee reports to the Council of Ministers and is responsible for:

- implementing decisions of Summit and the Council of Ministers, and the Treaty in general;
- the determination of its own procedures for convening meetings; and
- The co-ordination of the activities of the Sectoral Committees.

5. The Sectoral Committees¹⁵

Sectoral Committees are created by the Council of Ministers to oversee the sectoral implementation of programmes of the Community. These Committees report to the Coordination Committee.

¹³ Articles 14 to 16
¹⁴ Articles 17 to 19
¹⁵ Articles 20 to 22

The Agenda for The Coordination Committee spells out the composition and functions of the Sectoral Committees.

The Sectoral Committees are responsible for:

- preparing comprehensive implementation programmes; definition of priorities with respect to their respective sectors as well as monitoring their implementation; and
- addressing sector specific issues that impact on the Treaty.

The Sectoral Committees members comprise senior officials from Sector Ministries (Trade, Industrial Development, Finance, Infrastructure and Services, Maritime Transport, Health, Agriculture, Environment management, etc) in the Partner States.

6. The Secretariat¹⁶

The Secretariat is the Executive Organ of the Community. It is headed by the Secretary General assisted by Deputy Secretaries General and includes the offices of Counsel to the Community and other officers appointed by the Council.

The Secretary General is appointed by the Summit upon nomination by a Partner State on a rotating principle. S/He is the Principal Executive Officer and Accounting Officer of the Community and the Secretary of the Summit, and performs other duties as may be assigned to him/her by the Summit from time to time. The Secretary General and the officers serving under him/her constitute the Secretariat that is located in Arusha, Tanzania. The Secretariat arranges meetings with external actors such as those within Civil Society, the market and foreign governments.

The core budget of the EAC's Secretariat is funded by equal contributions from the Partner States complemented with additional funding from Development Partners.

¹⁶ Articles 66 to 73

7. The East African Legislative Assembly¹⁷

The East African Legislative Assembly (EALA) is the Legislative Organ of the EAC and liaises with National Assemblies of Partner States. Its membership consists of 45 elected members, nine from each Partner State, plus seven ex-officio members. The ex-officio members include the Ministers responsible for the East African Community Affairs of the Partner States, the Secretary General and the EAC Counsel to the Community (CTC).

The functions of the EALA are representation and oversight, i.e. deliberating and approving the EAC budget and considering annual reports of the activities of the Community.

EALA makes its own rules and procedures and those of its Committees. The business of the House is defined by its Bills, Motions, Petitions and Questions. Article 59 of the Treaty gives every Member of the Assembly a right to propose any Motion or to introduce any Bill in the Assembly. Since the Assembly was constituted in 2001, Members have passed 42 Bills¹⁸.

Bills must meet the following criteria:

- must be relevant to the operational principles of the EAC;
- should not impose any charge upon any fund of the Community; and
- shall not make provisions for payment, issue or withdrawal from any fund of the Community any monies charged thereon or the increase in the amount of any such payment, issue or withdrawal.

Motions must be relevant to the operational principles of the Community.

¹⁷ Articles 48 to 65

¹⁸ As of March 2012

8. The East African Court of Justice¹⁹

The East African Court of Justice (EACJ) is a Treaty based judicial body of the EAC, established under Article 9 (v) of the Treaty tasked to ensure adherence to law in the interpretation and application of and compliance with the Treaty. The current seat of EACJ is in Arusha and the High Courts of the Partner States serve as sub-registries of the Court.

The Judge President, the Principal Judge and the Judges are appointed by the Summit. A Judge may be removed from office if a Committee of three independent Judges from the Commonwealth of Nations advises the Summit that the Judge has failed to carry out his or her duties or has misbehaved.

The Treaty specifies in what instances and which bodies can make references to the Court, but these are confined to a Partner State, the Secretary General or any person (both legal and natural) resident in a Partner State. Any resident of a Partner State may challenge the legality of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community, but only in relation to interpretation of the Treaty provisions.

Matters may be referred to the Court by a Partner State, the Secretary General of the Community, Legal and Natural persons, the employees of the Community, the Council and the Summit²⁰.

The Court has so far put in place the Rules of Procedure and the Rules of Arbitration. The rules are simple and user friendly. The execution of judgments of the Court, which imposes a financial obligation on a person, shall be governed by the rules of civil procedure in force in the Partner State in which execution is to take place. Where there is no financial obligation involved, the Partner States and the Council are under obligation to implement a judgment of the Court without delay.

The Court's human rights jurisdiction shall be extended at a later stage through a Protocol to operationalise its extended jurisdiction.

¹⁹ Articles 23 to 47

²⁰ Articles 28 to 32 & Article 36

9. Institutions of the Community

The Inter-University Council for East Africa (IUCEA)

IUCEA is hosted in Kampala, Uganda. The mission of IUCEA is to encourage and develop mutually beneficial collaboration between member universities, governments and other public and private organizations. The primary objectives of IUCEA are to meet regional development needs, undertake resolution of issues in every appropriate sector of the activity of higher education. IUCEA also coordinates the developments of human resources in all disciplines of higher education in East Africa.

Lake Victoria Basin Commission (LVBC)

LVBC is hosted in Kisumu, Kenya. It is a specialized institution of EAC established by the Partner States through a negotiated Protocol for Sustainable Development of Lake Victoria Basin. LVBC ensures sustainable development and management of natural resources of the Lake Victoria Basin.

Lake Victoria Fisheries Organization (LVFO)

Lake Victoria Fisheries Organization (LVFO) is hosted in Jinja, Uganda. The main objectives of the LVFO are to harmonise national measures for sustainable use of the lake's fisheries resources and to develop and adopt conservation and management measures accordingly. The Convention delineates a set of functions to achieve the overall objective, inter alia, to provide a forum for discussion of initiatives to deal with environmental conditions and water quality in the Lake Basin, to promote research with respect to the living resources of the lake, and to address problems of non-indigenous species.

East African Development Bank (EADB)

The EADB is hosted in Kampala, Uganda. Its mandate is to raise resources and provides credit to the private sector on the Partner States on differentiated basis. EADB is critical in the East African Common Market in terms of mobilizing external and internal (East African) lendable resources to provide credit to the private sector. It also participates in the reform process of the East African

Financial Institutions to ensure its future sustainability.

Civil Aviation Safety and Security Oversight Agency (CASSOA)

CASSOA is hosted in Entebbe. The main objectives of the Agency are to ensure coordinated development of an effective and sustainable civil aviation safety and security oversight infrastructure in the Community. The Agency is established in the 'basic structure' designed to work with the Partner States Civil Aviation Authorities, that of Burundi CAA, Kenya CAA, Rwanda CAA, Tanzania CAA and CAA Uganda, which retain the responsibilities of regulating the civil aviation activities in their territories covering licensing, approving, certificating and ensuring compliance and enforcing violation.

Institutions whose Protocols for thier establishment are pending ratification and entry into force are:

- *the East African Kiswahili Commission;*
- *the East African Health Research Commission;*
- *the East African Science and Technology Commission.*



PART III: PHASES OF THE EAC INTEGRATION



The Treaty for the Establishment of the East African Community spells out the four stages of the EAC integration process namely, the Customs Union as the entry point to the Community, followed by a Common Market, then a Monetary Union and ultimately a Political Federation.

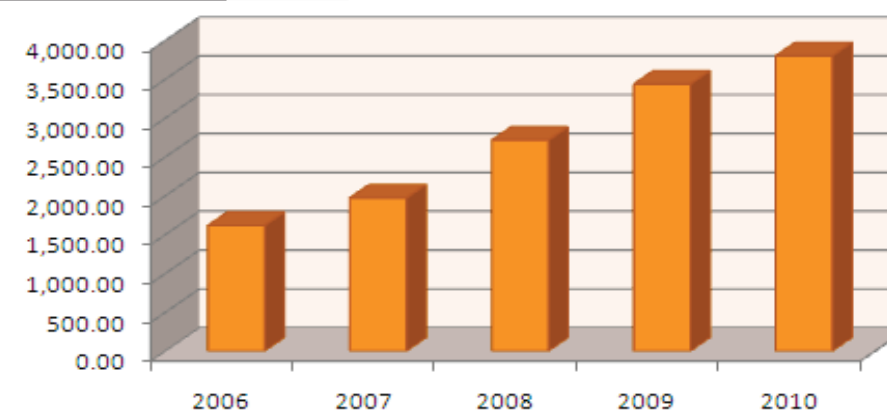
1. The Customs Union²¹

The Customs Union is the first stage of the EAC integration process. It is characterised by same import tax on all goods from outside East Africa, removal of all taxes on goods between the countries of the Community, removal of non-tariff barriers, common external tariff, common customs law and establishment of a common regulatory body.

The East African Community Customs Union was launched in 2005 to:

- liberalize intra-regional trade in goods on the basis of mutually beneficial trade arrangements among the Partner States;
- promote efficiency in production within the Community;
- enhance domestic, cross-border and foreign investment in the Community; and
- promote economic development and diversification in industrialisation in the Community.

Total EAC Trade Value (US\$ Million)



²¹ Articles 2 (2) , 5 (2) & The EAC Customs Union Protocol; Article 75

²² Article 2 & The EAC Common Market Protocol; Article 76

Since then, the Customs Union has contributed to great stimulation of investments, trade and consolidation of the East African market.

2. The Common Market²²

The Common Market is a second stage of the EAC integration process. It is a trading bloc composed of a Customs Union and possesses common policies on product regulation, free movement of goods, services, labour and capital. The main characteristics of a Common Market are: free mobility of labour and persons; free mobility of services; harmonisation of legal framework for capital markets (common goals approach); free mobility of capital; strong institutions to monitor decisions; and harmonisation of monetary and fiscal policies.

The East African Community Common Market Protocol was signed on 1st July 2010 and is established to provide the following:

- *the free movement of goods;*
- *the free movement of persons;*
- *the free movement of labour;*
- *the free movement of services; and*
- *the free movement of capital;*
- *the right of establishment;*
- *the right of residence.*

The overall objective of the Common Market is to widen and deepen cooperation among the Partner States in the economic and social fields for the benefit of the citizens of the region.

Free Movement of Persons and Labour

Free Movement of Persons

- *Article 7(1) - The Partner States hereby guarantee the free movement of persons who are citizens of the other Partner States, within their territories.*
- *Key principle of non discrimination.*
- *The above right is subject to limitations on grounds of public policy, public security or public health.*
- *Implementation is in accordance with Annex I of the Protocol – a pass issued free of charge entitles one to stay for up to six months. Student pass shall be issued free of charge and renewed annually over the duration of the study.*

Travel Documents

- *Article 9 - Partner States which have agreed to use machine - readable and electronic national identity cards as travel documents may do so and shall work out the necessary modalities.*

Free Movement of Workers

- *Article 10 (1) - The Partner States hereby guarantee the free movement of workers, who are citizens of the other Partner States, within their territories.*

Key principle of non discrimination.

- *A worker shall have the right to be accompanied by a spouse and children who shall be entitled to be employed.*
- *Employment in the public service is excluded unless permitted by the Partner State.*
- *The above right is subject to limitations on grounds of public policy, public security or public health.*
- *Implementation is in accordance with Annex II of the Protocol.*

3. The Monetary Union²³

The Monetary Union is the third stage of the EAC integration process. It is characterised by the following:

- *a common currency with a centralized monetary authority;*
- *coordinated macro-economic policies;*
- *strong central institutions and common policies for structural change and development.*

The envisaged EAC Monetary Union is expected to adhere to these characteristics in broadening and deepening the integration process, and smooth trading activities between and among the peoples of the region.

²³ Article 2

²⁴ Articles 123 to 125; also see Part V

4. The Political Federation²⁴

The Political Federation is the final stage of the EAC integration process. This includes having a central political authority as well as common foreign and security policies.

4.1 Establishment of The East African Political Federation

The ultimate aim of the EAC integration process is the attainment of the 4th pillar i.e. a Political Federation.

- The Treaty is not explicit on the time frame for the establishment of the various stages of integration with the exception of the Customs union which was set at 4 years after signing the signing of the Treaty. However, in Article 123 (6) it is provided that “the Summit shall initiate the process towards the establishment of the Political Federation of the Partner States by directing the Council of Ministers to undertake the process”.

4.2 Justification for Political Federation

- The need for a central authority to coordinate and implement decisions made by various Organs of the East African Community and to ensure that they are done efficiently and effectively.
- The Political Federation will enhance the consolidation of what has so far been achieved in the integration process.
- The Political federation will be used as a mechanism for channeling the benefits of economic integration more equitably among the Partner States.
- Political Integration quickens economic integration because it is easier to coordinate one planning unit than several sovereign ones.
- A central political authority will generate savings through consolidating rather than duplication of efforts.
- There will be higher revenues from the bigger unit. The higher revenues will be more equitably accessible to all citizens under a Political Federation.



Good Governance

As the EAC embarks on holistic strategies to promote peace, stability and development in the region, promotion of good governance as a pillar of political integration is obligatory.



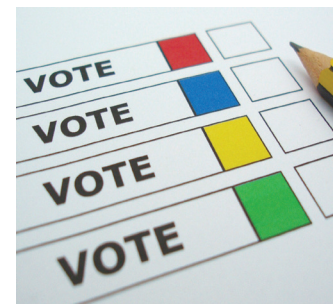
Human Rights

The EAC is committed to promoting and protecting human rights in accordance with the African Charter on Human and Peoples Rights as provided for in Article 6 of the Treaty. As such, the EAC has institutionalized annual meetings of National Human Rights Commissions into the institutional framework of its decision making.



Anti-Corruption & Ethics

Cooperation in this sector is premised on the need to promote anti- corruption, ethics and integrity in the EAC integration noting that corruption and improper management of public resources has a negative impact on the EAC integration. The intervention contributes to developing regional policies, building structures, systems and practices to prevent and combat corruption in the region and promote transparency and accountability in the EAC integration.



Democracy & Rule of Law

Promoting democratic values is one of the fundamental principles of the Community. The EAC Forum of National Electoral Commissions was established with the main objective of enhancing harmonization of democratization processes, share perspectives, challenges and best practices in the conduct of free, fair and credible elections in the EAC region.

- A Political federation will enable the people of East Africa to harness diversity for a common goal and re-unite erstwhile cross border communities.
- The Political Federation will minimize the occurrence of conflicts in the region as well as enhance and legitimize the participation of Partner States in conflict management in the region whenever they occur.
- The Political Federation will promote better management and utilization of shared natural resources, better environmental management and the promotion of tourism and investment.
- The Political Federation will represent EAC as a bigger unit in the global economic arena with a united and stronger voice.

4.3 Status of the East African Political Federation

- EAC is already implementing programmes or has established Organs and Institutions such as the East African Legislative Assembly, East African Court of Justice, the Defence Liaison office, co-ordination of Foreign Policy and co-ordination of monetary and fiscal policies which relate more to the higher stage of integration i.e. Political Federation than to the current stage reached in the integration process.
- During the Special Summit held in Nairobi on 27-29 August 2004, the East African Heads of State made the declaration on fast tracking the Political Federation of East Africa and established the Committee on Fast Tracking East African Federation (the Wako Committee). The Committee submitted its report to the Summit in November 2004 recommending, among others, the establishment of the East African Federation by the year 2013.
- During their Extraordinary Summit held in Dar es Salaam on 29-30 May 2005, the Heads of State considered the report of the Wako Committee and reaffirmed the vision of a Federation. The Heads of State established the post of Deputy Secretary General at the EAC Secretariat in charge of co-ordinating the fast track process towards Political Federation. The Heads of State also directed the establishment of national consultative mechanisms for wider consultations

with the East African people on the Federation. The National Consultations on the East African Federation were launched in October 2006 and concluded in June 2007.

- Whereas the report of the National Consultations revealed the overwhelming support of the East African people for the Political Federation, it also recorded the expressions of the people for a phased and systematic build up to the Federation stage. During their Extraordinary Summit of August 2007 in Arusha, the Heads of State directed that more steps be taken to expedite the establishment of the Common Market by 2010 and Monetary Union by 2012 as the region moves on towards the establishment of Political Federation.
- With the Ultimate goal of a Political Federation, the EAC is keen in developing requisite regional policies, programmes and strategies that lay a firm foundation and consolidate the pillars of political integration. This is premised on the understanding that attainment of a political federation is a process and not an event.
- Based on the Summit Directive to mobilize and deepen sensitization on EAC integration, National consultations and studies on the EAC Political Federation do not only indicate overwhelming support for political federation but identifies Fears, Concerns and Challenges that need to be addressed. Efforts were made to consider these challenges through the establishment of the Team of Experts on Political Federation. The Summit upon consideration of the Report of the Teams of Experts further directed for review of the report and presentation of clear recommendations on the way forward on political federation by November 2011.
- As the EAC embarks on holistic strategies to promote peace, stability and development in the region, promotion of good governance as a pillar of political integration is obligatory. In this regard, negotiation of the EAC protocol on good governance is near completion, and hitherto, involved consultations with a wide range of stakeholders both at national and regional levels, to ensure ownership. The Protocol once adopted will evolve a dispensation that cements the recognition of good governance as a prerequisite for successful regional integration, peace and stability.

- In the same vein, the EAC jointly with COMESA and IGAD have embarked on implementing a joint programme on promotion of good governance and human security in the Eastern and Southern Africa region - noting that political integration is an integral part of regional integration. The joint programme seeks to contribute to increased levels of good governance and human security in the region.
- While electoral processes are a fundamental aspect of political integration and good governance, peaceful democratization processes stimulate a conducive environment for the deepening of the EAC integration. Thus cooperation among National Electoral Commissions is being strengthened through development of a policy framework for the EAC Forum of Electoral Commission to guide their cooperation at the regional level. In addition, the development of the EAC Principles on Election Observation, Monitoring and Evaluation is near completion. Once adopted, it will institutionalize a structured way of observing elections in the region, in a manner that adds value and builds on democratic development.
- EAC continues to engage and consult with all institutions and agencies that constitute pillars of the EAC Good Governance Programme. The national agencies responsible for preventing and combating corruption have a regional platform to articulate common challenges in fight against corruption through common strategies for the region. In this regard, the EAC Protocol on Preventing and Combating corruption is in its final stages of completion and once adopted, will set in motion regional mechanisms for sharing information, recovery of proceeds and assets from corruption and judicial and legal assistance.
- Other institutions with which the EAC has sustained engagement include the Forum of Human Rights Commissions, the Forum of EAC Chief Justices and Rule of Law and Access to Justice Sector. The EAC Annual Conference on Good Governance has become a significant annual event that facilitates dialogue and debate on core issues of political governance in the Region. Its main objective is to enhance cross sectoral political dialogue among institutions responsible for promoting good governance as well as create synergy between national, regional and international organizations.



PART IV: PEOPLE CENTERED PARTICIPATION / EAC CITIZENS INFLUENCING THE POLICY AND DECISION MAKING PROCESS



1. Introduction

The framework of the EAC is guided by the principles of the Community including people centered cooperation where the main beneficiaries of the Community will be East African citizens. They would be the main players through the non-state actors. These groups are entitled to participate in the activities of the Community at all levels and can engage the various Organs of EAC such as EALA, EACJ, EAC Secretariat etc to input into the policy and decision making process.

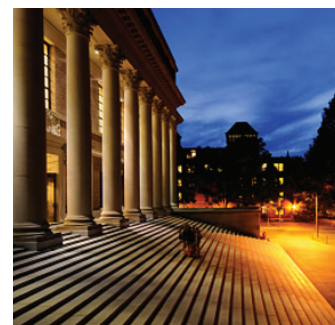
Under Art.127 of the EAC Treaty, Partner States are to promote, “an enabling environment for the participation of Civil Society in the development of activities within the Community.” However, the most salient point is that, for any stage of regional integration to be successful and sustainable, it must incorporate full ownership and participation by the people, especially through their institutions of choice, be they political parties, trade unions, membership organizations, civil society organisations, etc.

2. Roles and responsibilities of the actors



2.1. East African Residents

The East African Residents can input into the EAC processes through the civil society organisations, private sector organizations and other organised groups to ensure that they are part of the policy and decision making processes and their concerns are taken into consideration.

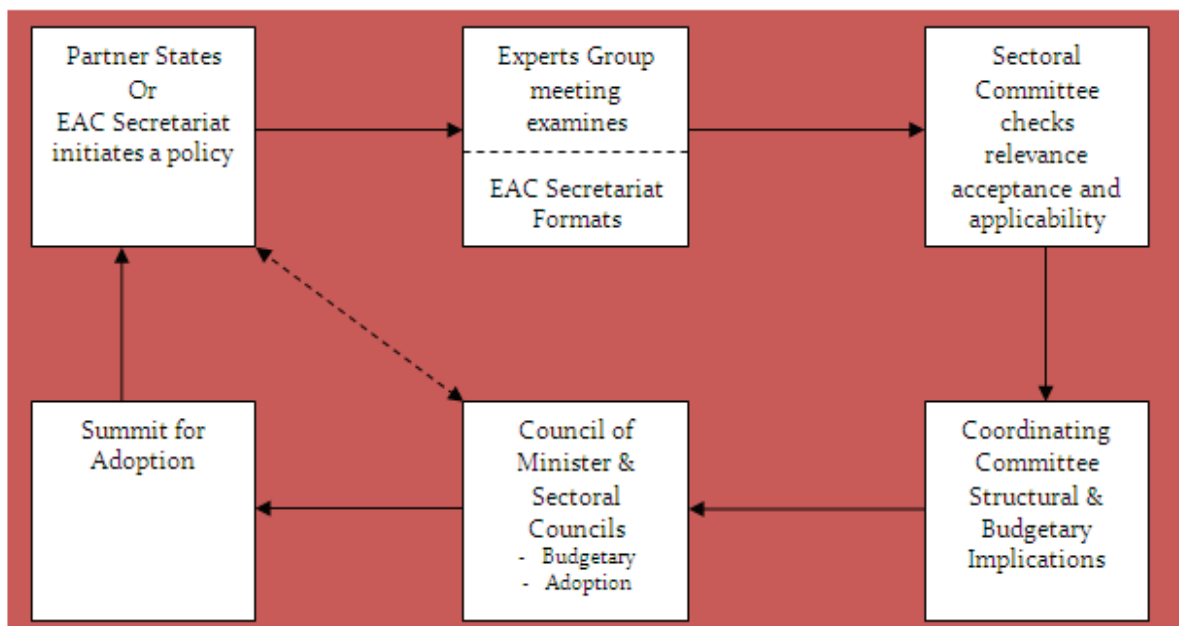


2.2. National Governments and EAC

Governments at national and regional levels have a duty to provide an enabling environment for active participation of the residents of East Africa. They also have a duty to provide avenues for dialogue such as laws, institutions, and democratic space in a manner that respects the principles of social justice, good governance and universally accepted human rights standards.

3. The EAC Decision Making Process

The current decision making structure and policy formulation cycle of the EAC is as follows:



4. The EAC-PSO-CSO Dialogue Framework

There is also a proposed EAC-PSO-CSO dialogue framework to enhance active participation of non-state actors in the decision making process of the EAC which is pending approval by the EAC Council of Ministers (see chart below).

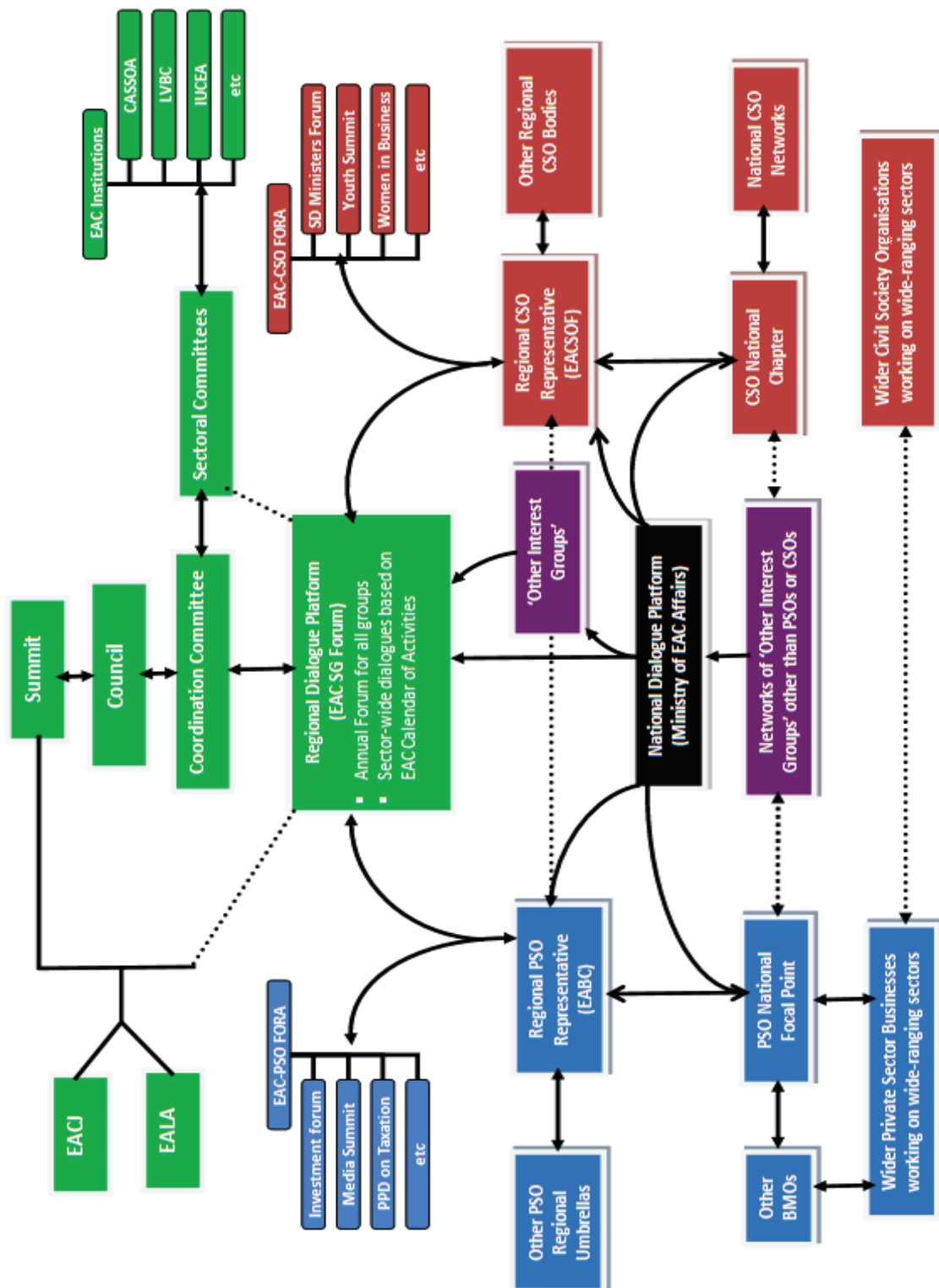
The framework for structured dialogue between the EAC and non-state actors is within the context of Articles 127, 128 and 129 of the Treaty. The dialogue is imperative so as to ensure that the integration process proceeds with the involvement of the citizens of East Africa and is undertaken in the context of multi-stakeholder partnerships. This ensures that the objectives of widening and deepening

co-operation among the Partner States in among other areas, political, economic, social, cultural, health, education, science and technology, defence, security, legal and judicial affairs is achieved for the benefit of the people of East Africa.

The dialogue framework envisages continuous dialogue between EAC, Partner states, CSOs and PSOs both at the national and regional level. National dialogue shall be coordinated through the Ministries responsible for EAC affairs while regional dialogue will be at two levels. Continuous dialogue in accordance with the EAC calendar of activities and an annual forum convened a by the Secretary General of the East African Community. The meeting will be organised collaboratively based on an agenda agreed upon between the private sector, civil society and the EAC Secretariat. It requires that PSOs and CSOs be organised at the regional level through regional apex bodies.

The desirable state for the success of the dialogue framework is to have one apex body for private sector and another for civil society. Those bodies require to be democratic and to derive their legitimacy from their respective sectors. At the national level, the regional apex bodies will link through the national private sector focal points and CSO networks through which national positions will be formed and through the regional body, regional positions will be harmonized. The national focal points will link to the relevant ministry for EAC Affairs which will also forward positions to the EAC as the coordinating ministry. Additionally, the regional position will also be submitted through the regional body to the EAC Secretariat and the relevant EAC decision-making bodies.

The design of the Dialogue Framework envisions CSOs and PSOs working together on general and thematic issues on areas of mutual interest. Therefore, in addition to the SG Forum, the EAC is to include both CSOs and PSOs in the ongoing regional fora based on their interests. These include the Investment Forum, The Women in Business Forum etc.



In addition to the EAC-PSO-CSO dialogue framework, other ways through which non-state actors can participate in EAC decision making processes include:

4.1 Institutionalised avenues:

i. *The Observer Status*²⁵

The observer status guarantees observer organisations an opportunity to attend meetings of the Organs of the Community, provide input on subjects where they are concerned and reply to questions directed at them in the meeting.

ii. *Memorandum Of Understanding*

Through MOUs, non-state actors can engage with the EAC Secretariat. They are appropriate for service provision agencies, those offering to supplement the efforts of the EAC at local, national and regional levels.

iii. *EACJ*

Through the EACJ, non state actors are given the opportunity for litigation, and benefit from interpretation of Treaty provisions as well as arbitration.

iv. *EALA*

The formal representative of the people of the EAC is the EALA. Through EALA, non-state actors have the opportunity to input into legislative process.

v. *Expert Working Groups*

Persons with specific expertise or information on particular fields can be invited by EAC organs and institutions as part of expert working groups to inform policy formulation.

²⁵ Article 3 (5, (b))

4.2 Other avenues:

i. Through advocacy, non-state actors may exert influence on the EAC policy and decision making process. Debates or public meetings are such avenues through which issues affecting the people of East Africa can be discussed and refined for presentation to the EAC.

ii. Cross Border Initiatives promote regional “people to people” cooperation and are of particular importance for sustainable development. Non-state actors are found on either side of the common borders of the Partner States alongside are government/administrative units that include local authorities, many of whom manage local resources.

4.3 Regional Non State Actors:

There are a number of non-state actors that are active at the regional level and keen to ensure effective participation by the people. These include:

- Association of Professional Societies in East Africa (*APSEA*)
- Africa Women’s Economic Policy Network (*AWEPON*)
- East African Business Council (*EABC*)
- East African Communities’ Organization for Management of Lake Victoria Resources (*ECOVIC*)
- East African Center for Constitutional Development Forum (*Kituo cha Katiba*)
- East African Human Rights Institute (*EAHRI*)
- East Africa Law Society (*EALS*)
- East African Magistrates and Judges Association (*EAMJA*)

- East African National Networks of Aids Service Organizations (*EANNASO*)
- East African Support Unit for NGOs (*EASUN*)
- Society for International Development – Office for East Africa (*SID-EA*)
- East African Sub-Regional Support Institute for the Advancement of Women (*EASSI*)
- East African Trade Union Congress (*EATUC*)
- Southern and Eastern African Trade Information and Negotiations Institute (*SEATINI*), and
- East African Local Government Association (*EALGA*)

These organizations carry out research, publications, and training and other activities for their members, stakeholders and the general public. They also engage in lobbying or advocacy with the national and regional governments and in networking.

4.4 The role of the Ministries responsible for EAC Affairs (MEACAs) in the Partner States

The MEACAs link the citizens at national level with the EAC Policy Organs and Institutions. They sensitize the citizens in their country on the EAC integration and obtain feedback to input into the decision and policy making processes. Non state actors can also lobby on specific issues with the MEACAs to be included into the EAC Agenda.

The Ministry of EAC Affairs is responsible, at Partner State level, for receiving the Agenda for all schedule meetings from the EAC Secretariat in Arusha.

CONCLUSION: PROGRESS TOWARD PARTICIPATION OF NON STATE ACTORS

There is positive development at regional level where non-state actors are moving towards more effective collaboration amongst themselves and the EAC. The EAC PSO-CSO networks and thematic platforms, among others, aim at facilitating dialogue between the EAC and non state actors. These are channels through which the citizenry could voice their concerns.

The East African Civil Society Organisations Forum (EACSOFF), the East African Business Council (EABC), the East African Local Government Association (EALGA) and other regional bodies offer to provide platforms for active and structured engagement with the EAC and Member States towards an effective, efficient and sustainable integration process.

In conclusion the principle of a people-centered Community remains a key factor in ensuring an inclusive and sustainable Political Federation. Therefore, the EAC is working towards the enhancement of popular participation to sustain the ideals and aspirations of the Community.



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PUBLISHED BY:
East African Community Secretariat
P.O.Box 1096,
Arusha, Tanzania
Telephone: +255 27 2504253/8
Fax: +255 27 2504255
E-mail: eac@eachq.org
Website: www.eac.int

ISBN: 978-9987-712-16-8