

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(THIRD SESSION)

CLERK-AT THE TABLE:	BY:	TABLED
Getnode	Chair, Select Committee on Regional Integration	18 AUG 2019
THE NATIONAL ASSEMBLY PAPERS LAID DAY.		

REPORT OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION

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ON AN INTERACTIVE STUDY VISIT TO THE EAST AFRICA COMMUNITY HEADQUARTERS IN ARUSHA, TANZANIA FROM MAY 16TH – 22ND MAY, 2019

Directorate of Committee Services
National Assembly
Parliament Buildings
NAIROBI

Approved for Table
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TABLE OF CONTENTS

FOREWORD.....	3
1.0 INTRODUCTION.....	4
1.1 Committee Membership	4
1.2 Committee's Mandate.....	5
1.3 Members of the Delegation.....	5
2.0 BACKGROUND	7
2.1 COMMITTEE'S SCHEDULE OF ACTIVITIES	8
2.1.1 Briefing Session at the East African Community.....	8
2.1.2 Interactive Session with EALA'S Legal, Rules and Privileges Committee.....	11
2.1.3 Roundtable Meeting with EALA leadership and updates on Status of EALA Bills and Acts	12
2.1.4 Interactive Session with EALA's Accounts Committee.....	15
2.2 Interactive Session with the East African Business Community.....	17
2.3 Roundtable Session with the East African Court of Justice	18
2.4 Meeting with East African Law Society and recap of the Interactive Visit	19
2.5 Action points going forward	21
3.0 COMMITTEE'S OBSERVATIONS	21
4.0 COMMITTEE'S RECOMMENDATION	22

FOREWORD

On behalf of the Select Committee on Regional Integration and pursuant to provisions of Standing Order 199, it is my pleasant privilege and honor to present to this House the Report of the Committee on its visit to Arusha, Tanzania at the East Africa Community (EAC) Headquarters for Bespoke Training on East African Community matters and interactive study visit to the East Africa Legislative Assembly (EALA), East Africa Court of Justice (EACJ) and the East Africa Business Council (EABC).

The Committee wishes to register its appreciation to the Secretariat of the East Africa Law Society (EALS) for the invitation and coordination which enabled the Parliamentary Delegation to participate in the activity. The Committee also wishes to express special gratitude to the office of the Clerk of the National Assembly for the support accorded to Members of the Committee and staff, in execution of its mandate.

Hon. Naisula Lesuuda, OGW, M.P
Chairperson Select Committee on Regional Integration

1.0 INTRODUCTION

1.1 Committee Membership

The Select Committee on Regional Integration is established under the National Assembly Standing Order 212. It was constituted in December 2017 following adoption of a Motion on membership of committees by the House. The Committee comprises of the following Members:

1. Hon. Naisula Lesuuda, M.P, OGW – Chairperson
Samburu West Constituency
KANU
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
Lamu County Women Representative
Jubilee Party
3. Hon. Christopher Nakuleu, M.P
Turkana North Constituency
Jubilee Party
4. Hon. Dr. Gideon Ochanda, M.P.
Bondo Constituency
Orange Democratic Movement
5. Hon. Joyce Emanikor, M.P
Turkana County Women Representative
Jubilee Party
6. Hon. Janet Ong'era, M.P.
Kisii County Women Representative
Orange Democratic Movement
7. Hon. Kubai Iringo, M.P
Igembe Central Constituency
Jubilee Party
8. Hon. Mathias Robi, M.P
Kuria West Constituency
Jubilee Party
9. Hon. Ezekiel Ombaki, M.P
Nyaribari Masaba Constituency
NAPK Party
10. Hon. Abdi Mude Ibrahim, M.P
Lafey Constituency
Economic Freedom Party (EFP)
11. Hon. Ali Wario Guyo, M.P.
Garsen Constituency
Wiper Democratic Movement Party
12. Hon. Elijah Memusi Kanchory, M.P
Kajiado Central Constituency
Orange Democratic Movement
13. Hon. Erastus Nzioka, M.P
Mbooni Constituency
ND Party
14. Hon. Eve Obara, M.P
Kabondo Kasipul Constituency
Orange Democratic Movement
15. Hon. Geoffrey Omuse, M.P
Teso South Constituency
Orange Democratic Movement
16. Hon. Gideon Keter, M.P
Nominated
Jubilee Party
17. Hon. Janet Teiyaa, M.P
Kajiado County Women representative
Jubilee Party
18. Hon. Kassim Tandaza, M.P
Matuga Constituency
ANC

19. Hon. Malulu Injendi, M.P

Malava Constituency

Jubilee Party

20. Hon. Ndindi Nyoro, M.P.

Kiharu Constituency

Jubilee Party

21. Hon. Nasri Sahal Ibrahim, M.P

Nominated (FORD-K)

22 Hon. Rozaah Buyu, M.P

Kisumu County Women Representative

Orange Democratic Movement

23. Hon. William Kamket, M.P.

Tiaty Constituency

KANU

1.2 Mandate of the Committee

As provided for in Standing Order 212 (2), the Committee is mandated to-

- (a) Enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
- (b) Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
- (c) Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
- (d) Examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
- (e) Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

1.3 Members of the Delegation

The National Assembly Select Committee on Regional Integration was represented by a delegation of eight members namely;

- (1) Hon.Naisula Lesuuda, M.P – Chairperson/Head of Delegation
- (2) Hon. Joyce Emanikor, M.P
- (3) Hon.Geoffrey Omuse, M.P
- (4) Hon. Eve Obara, M.P

(5) Hon. William Kamket, M.P

(6) Hon. Mathias Robi, M.P

(7) Hon. Kassim Tandaza, M.P

(8) Hon. Elijah Kanchory, M.P

Committee Secretariat

Mr. Abenayo Wasike - Senior Clerk Assistant/Delegation Secretary

Ms. Ruth Mwihaki Gakuya - Third Clerk Assistant

2.0 BACKGROUND

1. The Committee was invited by the East Africa Law Society (EALS) for an interactive study visit to the East African Community (EAC) at its Headquarters in Arusha, Tanzania. This report is developed following interaction with the Speaker of EALA, Committees of the legislative Assembly, East Africa Court Justice (EACJ), East Africa Business Council (EABC) and the East Africa Law Society (EALS).
2. The programme followed recognition by EALS of the role played by Parliaments in matters of regional, sub-regional and inter-regional cooperation as well as regional economic integration based on equality of partnership in strengthening international cooperation. This informed EALS on the need for members dealing with integration matters to be appraised on the EAC process and laws as well as building their capacity to effectively respond to emerging issues in regional integration.
3. According to numerous studies, the EAC bloc is one of the fastest growing economic blocs in the world. With well over 172 million citizens and a GDP of more than US \$ 172 Billion (EAC Statistics 2017), EAC is a very attractive investment bloc with its common and open market, customs union and movement towards a monetary union and political federation.
4. The reduced market fragmentation, trade liberalization, free movement of people, goods and services has been achieved by mutually inclusive efforts by all EAC Partner States and other development partners. However, this growth has not been without challenges with the bloc facing the following key challenges in its bid to realize full integration; Tedious and Costly Decision/Policy Making Processes; National Sovereignty and lack of Executive Authority at EAC level; Economic disparity at Partner States level and lack of Equitability Mechanisms; Changing Global Environment; Resource constraints/Financial Challenges and Lack of awareness among East Africans on the integration process.
5. The committee appreciates that the EALS together with the EABC have been working closely with the EAC to streamline the Community and address the above challenges. The two bodies have observer status at EAC and have more than often pushed the integration agenda beginning with ensuring respect for human rights and the rule of law to providing

technical support to the bloc to advisory services on the direction of the bloc to trade facilitation and advocacy for removal of tariff and non-tariff barriers.

6. Part of EALS' regional integration advocacy is working with the decision makers especially legislators in an effort to harmonise laws and policies. This is in addition to building the capacity of legislators and raising their level of awareness on regional integration processes.
7. The Committee found the visit appropriate in order to strengthen its regional integration oversight mandate and effective participation in the establishment of new regional economic frontiers for collective benefit of the East Africa Community. We learnt that the objective of the interactive visit is to facilitate economic coordination and cooperation for development, the achievement of development goals and the sharing of best practices and knowledge.
8. The committee's participation was informed by the need for broad understanding of its mandate at regional level. It offered an opportunity for members to be introduced to the emerging scenarios that dictate integration process in the region and different parts of the world.

2.1 COMMITTEE'S SCHEDULE OF ACTIVITIES

2.1.1 Briefing Session at the East African Community

Members of the delegation were taken through a general orientation session on what the EAC is. This was done by officials from the East Africa Law Society as well as the East African Community Secretariat. Some of the details that the members were taken through include:

2.1.1.1 The East African Community - EAC

9. The East African Community (EAC) is a regional intergovernmental organisation made up of 6 Partner States: the Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania, and the Republic of Uganda. The Community has its headquarters in Arusha, Tanzania.

10. The EAC is home to 172 million citizens, of which over 22% is urban population. With a land area of 2.5 million square kilometers and a combined Gross Domestic Product of US\$ 172 billion (EAC Statistics for 2017).
11. The work of the EAC is guided by its Treaty which established the Community. It was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States - Kenya, Tanzania and Uganda. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The Republic of South Sudan acceded to the Treaty on 15 April 2016 and became a full Member on 15 August 2016.

2.1.1.2 Organs and Institutions of the Community

12. Organs of the Community Include: the Summit, Council of Ministers, Coordination Committee, Secretariat, East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ).
13. Institutions of the Community include: the Inter-University Council of East Africa (IUCEA), Civil Aviation Safety and Security Oversight Agency (CASSOA), Lake Victoria Basin Commission (LVBC), Lake Victoria Fisheries Organisation (LVFO) and the East African Science and Technology Commission (EASTECO), EAC Competition Authority (EACCA), East African Kiswahili Commission (EAKC), East African Health Research Commission (EAHRC), and East African Development Bank (EADB).
14. Apex Bodies include: East African Business Council, East African Law Society, East African Trade Union Council, East African Magistrates' and Judges Association, East African Civil Society Forum, etc. *Apex bodies are not Institutions of the EAC. They are mostly made up of the private sector and civil society organizations.*

2.1.1.3 Stages of EAC integration

15. Article 5 (2) of the Treaty for the Establishment of the EAC provides that Partner States undertake to establish among themselves and in accordance with provisions of the Treaty:

- a Customs Union – Established in 2005, became fully operation in 2010;
- a Common Market – Protocol signed in 2009, launched in 2010
- a Monetary Union – Efforts ongoing to have single currency.
- Ultimately a Political Federation.

16. Achievements of the East African Community

- Implementation of the Single Customs Territory;
- Harmonization of national policies, laws and regulations to conform to the Common Market Protocol;
- Increased intra-regional trade;
- Increased cross-border investment;
- Significant elimination of non-tariff barriers to trade;
- Significant efforts at harmonization of education systems and curricula.
- Harmonization of fiscal, monetary and exchange rate policies
- Harmonization of banking rules and regulations, trading practices and regulations in the stock exchanges and financial markets.
- Implementation of diverse initiatives aimed at providing East Africans with adequate, reliable and cost effective energy, and;
- Cooperation among Partner States in facilitating cross-border security, defense, peace and security initiatives.

2.1.1.4 The Budget for the EAC in 2017/2018 Financial Year

17. According to the 2017/2018 Financial Year, EAC had a budget amounting to US\$110 million. In this amount, EAC Partner States contributed US\$57.2 million and Development Partners US\$52.8 million. Currently, Partner States contribute equally.

2.1.1.5 Challenges facing the East African Community

18. The EAC is not without its own challenges ranging from mistrust among Partner States, to financial challenges to differences in ideology. Though they had been mentioned earlier, the same have been emphasized here-

- Tedious and Costly Decision/Policy Making Processes;
- National Sovereignty and lack of Executive Authority at EAC level;

- Economic disparity at Partner States level and lack of Equitability Mechanisms;
- The Changing Global Environment;
- Resource constraints/Financial Challenges; and,
- Lack of awareness among East Africans on the integration process.

19. Members then deliberated on these challenges and other EAC issues and promised to follow up with relevant authorities to ensure integration activities were streamlined for the common good of East Africans.

2.1.2 Interactive Session with EALA’S Legal, Rules and Privileges Committee

20. Members of the Committee held an interactive session with the Legal, Rules and Privileges Committee of EALA. The Committee of the regional Assembly is tasked with receiving, reviewing, scrutinizing and investigating complaints against legal entities within EAC of denial/deprivation of enjoyment or inappropriate enjoyment, and use contrary to provisions of the Treaty, Protocols and Agreements by any persons resident within the EAC, regardless of the legal status or the presence of such persons; oversight of the work of EAC – Sectoral Committees and organs.

21. The two Committees deliberated on the functions undertaken by the EALA Committee and its achievements so far.

22. The chair of the Committee noted that apart from its core mandate of ensuring adherence to the rules of procedure of the House, the Committee is also undertaking an exercise that will lead to Amendment of the Rules of Procedure of the House to make them more vibrant. The Committee also undertakes EAC oversight and ensures quality legislation.

23. He also talked about the current partnership with EALS on the Whistle Blowers Protection Bill 2018 where EALS is conducting a baseline study to support the Bill. He urged more cooperation and the need for Partner States to readily assent to and implement EALA Laws.

24. On their Part the Regional Integration Committee of the National Assembly of Kenya congratulated the Committee for it’s good work and promised to work with the Heads of State to ensure EAC Laws are readily implemented in Kenya and across the region.

2.1.3 Roundtable Meeting with EALA leadership and updates on Status of EALA Bills and Acts

25. On Friday 17th May 2019, the Committee had a round table meeting with the EALA leadership being the Speaker of the Assembly, the Rt Hon. Martin Ngoga from the Republic of Rwanda.

Legislative mandate of EALA

26. From its inauguration on November 30th, 2001 to date, EALA has successfully established itself into a strong and effective regional legislature and registered a number of achievements.

27. As a legislative arm of the Community, the Assembly has continued to fulfill its legislative, oversight and representative functions in a number of ways:

- the Assembly has passed over 70 pieces of legislation, a number of which are very fundamental in the EAC integration process.
- It should be noted that laws enacted by the Assembly take precedence over similar national ones on matters pertaining to the Community.

26. The Assembly is determined to ensure that the necessary laws that facilitate the implementation of the provisions of the Treaty for the establishment of the EAC and other attendant agreements that will drive the integration process are, have been, and will be enacted.

Oversight Mandate of EALA

28. This entails interrogating public policies and public funds earmarked to pursue these policies to ensure efficiency and effectiveness, fairness and equity in their administration or implementation. This is done mainly through the respective committees of EALA. The EALA Committees do oversight through on-spot assessment activities on the EAC Organs, Institutions and Projects.

29. EALA also demands regular progress reports on the implementation of the various programmes and projects from respective departments of the EAC Secretariat and Council of Ministers.

Representative mandate of EALA

30. The Assembly serves as democratic link between the institutions of the East African Community and the people of East Africa. EALA, like any other legislature is the peoples' voice for the citizens of East Africa about the commitments and policies of their governments to the EAC.

31. It does this through Public Hearings, workshops, seminars, and public rallies on all major stages of integration and legislations.

Budgetary Oversight Role of EALA

32. EALA plays a crucial role by providing direction on the EAC spending and allocation of resources as provided by Article 132 (5) of the Treaty. This mandate has provided an important opportunity to EALA to debate the budget and allocate resources in line with the priorities of the Community.

33. Although EALA was given all these powers over the budget by the Treaty, as of now, this does not include entitlements to draw up or revise budgets upwards.

Composition of EALA

34. EALA Members consists of a total of 62, of whom 54 are elected Members (9 from each Partner State - **Burundi, Kenya, Tanzania, South Sudan, Uganda and Rwanda**)

It has eight ***EX-OFFICIO*** members:

- the 6 Ministers responsible for EAC Affairs from the 6 Partner States
- the Secretary General of the Community
- the Counsel to the Community - Principal legal adviser to the Community

Members are elected for a term of five years and are eligible for re-election, once.

Committees of EALA

35. EALA has 6 Standing Committees which undertake most of the tasks on behalf of the Assembly to increase the efficiency of the Assembly in discharge of their mandate in various ways.
36. The Members of each Standing Committees are nominated from among the Members of the Assembly and serve for a term of two and half years and thereafter fresh nominations are done. Each elected Member serves on two Committees. This reflects equal representation by the Partner States.

The Committees include:

1. Legal, Rules and Privileges
2. Regional Affairs and Conflict Resolution
3. Agriculture, Tourism and Natural Resources
4. General Purpose
5. Accounts Committee
6. Communication, Trade and Investment

The Law-Making Process at EALA

37. EALA Bills are generated by and originate from both the Council of Ministers and EALA Members (Private Members Bill). Article 59 of the Treaty allows for private members Bills where a Member of the Assembly may propose any motion or introduce any Bill in the Assembly.
38. Once a Bill is introduced in the Assembly it is printed and published before it is brought to House. In urgent cases and where deemed so and passed by House it can be without publication. It is then read 3 times (1st Reading, 2nd Reading, 3rd Reading) before being passed. At 2nd reading, debate may ensue on merits & Principles of Bill and it may be committed back to Committees for amends, new clauses, schedules etc. Once ENACTED, it is committed to Summit for assent to law.

Challenges faced by the East African Legislative Assembly

38. The Hon. Speaker noted the following as the Assemblies core challenges:

- (a) Lack of effective mechanisms to create awareness of the Treaty provisions and Community laws.
- (b) Limited awareness of benefits of EAC integration by the population.
- (c) Lack of enforcement mechanisms of Community laws, resolutions and the Treaty.
- (d) Lack of institutionalization of liaison between the Assembly & National Parliaments.
- (e) Preferred use of Protocols over legislation.
- (f) Unreliable resource mobilization strategy and sources of funding to the Community
- (g) Key activities of the Assembly such as public hearings, capacity building and research not funded by the community budget.
- (h) Understaffing and limited staff capacity to execute work.
- (i) Limited financial and administrative autonomy.
- (j) Challenges in publicity

39. The Hon speaker noted that despite these challenges, the Assembly can boast over 70 laws having been passed within the short time that the Assembly has existed. Despite not having an independent kitty, the Assembly still manages working with existing funds.

40. He added that more needed to be done in implementation of passed EALA laws as well as in assent of Bills into law as there were many unsigned Bills passed by the Assembly. He commended the advocacy work of EALS on this regard with a request for the regional Law Society to do more.

41. On their Part Members of the regional Integration Committee from Kenya pledged to support the regional Assembly through high level advocacy to get a budget of their own and to have its laws recognized and implemented by member States.

2.1.4 Interactive Session with EALA's Accounts Committee

42. In order to have a comprehensive understanding of how funds received by the Community are oversighted, the Regional Integration Committee also visited the Public Accounts

Committee of EALA on Tuesday 21st May 2019. They made consultations with members of the Committee who were on a post audit review.

43. The chairman of the Committee notified the Committee that the main functions of the Accounts Committee of EALA was to carry out a post audit review and scrutiny of the expenditure incurred by the EAC Secretariat, the Organs and Institutions of the Community.
44. The post audit review and scrutiny of the expenditure is conducted on the basis of an annual audit report of the Audit Commission, pursuant to provisions of Articles 49(2) (c) and 134. This function is post budget after implementation of the budget by Organs and Institutions of the EAC.
45. The chairperson noted that according to a qualified opinion on the current report, the main issues were centered on procurement and failure to adhere to procurement standards.
46. He further stated with concern that the oversight role of the Committee and of the Assembly was compromised as EALA is not independent financially. It has to go back to the Secretariat and Partner states for funding.
47. He noted that the Community's current greatest challenge and threat was lack of/inadequate financing. Members of the accounts Committee noted that several East African Countries were not up to date with their contributions to the running of Community Affairs. He urged the Regional Committee to talk to other regional integration committees especially from countries that were not paying up on time to do so.
48. The Chairperson then urged the Kenyan Committee members to urge Kenya to increase its contribution to the running of the Community citing a case where H.E. retired President Kibaki wrote a cheque to sustain the Community.
49. A proposal was also made that like in Europe, a certain percentage, say 0.02% of all imports value should go to the running of EAC as Partner State contribution.
50. Other Members present noted the non-reelection of Kenyan representatives to the Assembly noting that this deprived the regional Assembly of institutional memory.

51. Another significant issue raised by members was the fact that very few East African were aware of regional integration efforts with more needed to be done to rectify this situation.
52. One thing that did not escape member's attention was the persistent issue of non-tariff barriers with members trading blame for their nation's erection of unnecessary barriers to the free movement of goods, services and people (labour). Some of the barriers were retaliatory and meant to frustrate the free conduct of trading activities across the region.
53. Members of the delegation heard the challenges faced by the community especially financial and promised the Committee's commitment to assist in efforts to ensure more remittances by Partner States. Members also promised to follow up on the signature of any pending protocols.
54. Members brought to the attention of the accounts Committee on the plan to bring under one roof all Regional Integration Committees from all the National Assemblies in the region. The Committees will then craft a way forward for the region on areas they experience common challenges. An initial plan for this meeting was proposed for August 2019.
55. It was noted that where a Partner State fails to pay up, it should be sanctioned especially where it is fully paid up in another regional economic community.
56. The delegation observed that there is the need for EAC citizens to be at the frontline in leading the regional integration agenda. This will reflect the right position in a people centred integration process.

2.2 Interactive Session with the East African Business Community

57. The private sector is a key driver of the regional integration agenda. This sector plays a significant role in the movement of goods and people across East Africa in the course of their various business activities.
58. Business facilitation in the EAC is conducted under the auspices of the East African Business Council (EABC) supported by other apex bodies in the region including EALS, EATUC, EACSO and EAHP.

59. For this reason, it was critical that the Committee also visits the Business Council for first-hand information on how the Council handles the private sector and generally cross-border trading activities.
60. The Committee managed to meet the Chief Executive Officer, former EALA MP from Kenya, Hon. Peter Mathuki as well as other officials of the Council.
- 61 Mr. Mathuki discussed with the team what role EABC plays in trade facilitation and the various challenges that traders face in their attempts to move goods across the East African Borders. He noted with appreciation the growth that has been attained so far under the Customs Union as well as under the Common Market Protocol.
62. He however noted with concern the persistence of non-tariff barriers, official bureaucracy, harassment and delays in moving goods across the various EAC borders, differing standards requirements in the various Partner States among other challenges.
63. He noted that it was upon the political class, the Regional Integration Committee of the Kenya national Assembly included to facilitate the achievement of the EAC dream of a truly single market with no restrictions in the movement of goods, services and labour/people.
64. The Chairperson of the Committee commended the good work that the Council is doing. She urged them to engage more stakeholders in their work of streamlining business in the region.
65. Further discussions with members of the Committee made it clear that it is not only Kenya that needs to take action, all Partner States must be involved if true reform is to be realised. The meeting reached a resolution that all National Assembly Committees dealing with regional integration should meet at least once a year to craft efforts that will further the integration process.

2.3 Roundtable Session with the East African Court of Justice

66. The Committee also got a chance to visit the East African Court of Justice which is the regional Court established under Article 9 of the Treaty for the Establishment of the East African Community.

67. It got the Chance to interact with His Worship, Yufnalis Okubo, the Registrar of the Court. Mr. Okubo took the members through the operational and functional framework of the Court. He noted that the Court is not an Appellate Court like the older EACA Court but one with original jurisdiction to hear matters pertaining to the interpretation of the EAC Treaty.
68. Though the jurisdiction of the Court is limited, the Court has been able to handle more than two hundred (200) References and numerous Appeals from decisions of the first instance Division. This has happened even with the limited budget that the Court has.
69. His Worship the Registrar also went on to note that the fact that the Court operates in an ad hoc basis with no official headquarters also hinders its smooth operation. He further noted that it would be wise to extend the Court's jurisdiction to expressly include Human Rights even though the Court is currently handling many cases with human rights aspects.
70. Such extension of jurisdiction will require amendment of the Treaty and that can only be done where there's sufficient support. The Committee can provide tremendous support towards this.
71. The chairperson and members of the Committee on their part congratulated the Court on its good job in ensuring adherence to provisions of the EAC Treaty and the continued respect for human rights and the rule of law in the region despite the challenges faced.
72. The first action point for the Committee would be to lobby and advocate for amendment of the Treaty to expand the jurisdiction of the Court, give it financial autonomy and decide on a permanent seat for the Court.
73. The first action point for the Committee would be to lobby and advocate for amendment of the Treaty to expand the jurisdiction of the Court, give it financial autonomy and decide on a permanent seat for the Court.

2.4 Meeting with East African Law Society and recap of the Interactive Visit

74. At the end of the consultations, EALS that had facilitated all meetings for the Committee had a sit-down with the members.

75. The CEO of EALS noted the importance of the tour underscoring the need for regular engagement with members of the Committee being key drivers of the integration agenda. He noted that there was need for the Committee to take the revolutionary position and drive integration that in recent years has seemed to slow down.

76. He noted the numerous efforts that have been undertaken by EALS to spur regional growth. Starting with the promotion of cross-border legal practice (Championing for the passage of the Cross-Border Legal Practice Bill by EALA and Signature of the Mutual Recognition Agreement), EALS has been at the forefront in promoting cross-border exchange in professional services. He also highlighted some of the other regional integration efforts by EALS:

- (a) Supporting small scale cross-border traders in Namanga, Busia, Malaba, Mutukula, Taveta/Holili, Gatuna, Kagitumba/Mirama Hills, Elegu/Nimule, Kobero/Kabanga and all major border points in East Africa;
- (b) Technical support to EALA through various MOUs, input to Bills and law making processes among others;
- (c) Technical support to EACJ through training and capacity development of judges and staff
- (d) Public Interest litigation on behalf of EAC Citizens;
- (e) Leveraging on Observer Status at EAC to input into EAC Policy making processes;
- (f) Supporting cross border exchange in legal services;
- (g) Implementing an inclusive Resource Development project to support the extractives sector in the region;
- (h) Promoting the signature of Protocols;
- (i) Promoting review of the EAC Treaty;
- (j) Facilitating civil society dialogue across the region; and,
- (k) Facilitating international partnerships for regional growth

77. He noted the importance of working with the Regional Integration Committee of the Kenya National Assembly and thanked the members present for taking such an initiative that would define the course of integration going forward. He requested that members take this as the beginning of a fruitful partnership for the benefit of East Africans.

78. Through the head of delegation, the committee thanked EALS for excellently hosting the Committee in Arusha and promised to work closely with the regional law body to further the integration agenda.

2.5 Action points going forward

78. The team deliberated and came up with the following action points to be implemented going forward.

- (a) Meeting organized by the East African Business Council (EABC) to be held in August for all Regional Integration Committees of all National Assemblies in the region.
- (b) Led by EALS, the Committee to conduct visits to all major border points to understand challenges citizens go through especially small scale cross-border traders.
- (c) A meeting to be held in Kigali Rwanda alongside the EALS Annual Conference and General Meeting. This meeting to be all inclusive (tax and customs officials, immigration officials, security officials etc). This will sensitize them on how they are to undertake their activities.
- (d) A meeting to be held in Kigali with the current EAC Chairman, H.E. President Paul Kagame of Rwanda (November at the EALS Annual Conference and AGM).

3.0 COMMITTEE'S OBSERVATIONS

79. At its meeting held on 25th June, 2019, the Committee deliberated on the Report and made the following observations-

- (1) There is no collaboration among EAC Assemblies for prompt payments to be made to EAC to enable it implement its programmes.
- (2) There is lack of awareness raising campaigns on the EAC integration process across the region.
- (3) There is no adequate funding of the EAC because other partner states are not up to date with their contributions.
- (4) The non-re-election of Kenyan representatives to EALA has deprived the regional Assembly of institutional memory.
- (5) The Treaty for the establishment of the East Africa African Community is under review and this is an opportunity to address emerging challenges on key pillars of regional integration.

- (6) Kenya and Uganda have always assented to most of the Bills passed by the Legislative Assembly. On the other hand Tanzania has not assented to a number of Bills but have given reasons to explain their position.
- (7) Some of the Bills tabled in EALA do not fall within the jurisdiction of regional integration.
- (8) The process of assent to EALA Bills by heads of states is bureaucratic because they have to be briefed by their technical teams first.
- (9) Members of EALA from the Republic of South Sudan were concerned that their lawyers are not allowed to practice law in Kenya.

4.0 COMMITTEE'S RECOMMENDATION

80. Arising from the above observations, the Committee to recommend to the National Assembly that-

1. **The East African Community should undertake Research on EAC Partner States' membership in other bodies and their payment status to those bodies.**
2. **National Assemblies through their respective Committees on regional integration should spearhead awareness raising campaigns on the EAC integration process across the region.**
3. **The Partner States' National Parliamentary Committees on Regional Integration should collaborate and consult regularly on emerging issues and challenges in the EAC region.**
4. **EALA should take the lead and advise partner states on areas that need review under the Treaty for the establishment of the East African Community.**
5. **The relevant provisions of the Advocates Act, 2014 should be amended to accommodate South Sudanese citizens to be considered for admission to practice law in Kenya.**

Signed..........Date..........

Hon. Naisula Lesuuda, OGW, MP

Chairperson

THE ADVOCATES (AMENDMENT) BILL, 2019

A Bill for

AN ACT of Parliament to amend the Advocates Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

- | | |
|-----------------------------------|---|
| Short title | 1. This Act may be cited as the Advocates (Amendment) Act, 2019. |
| Amendment of section 12 of Cap 16 | 2. Section 12 of the Advocates Act is amended in paragraph (a) by inserting the words “South Sudan” immediately after words “Uganda”. |

MEMORANDUM OF OBJECTS AND REASONS

The Principal object of this Bill is to amend section 12 of the Advocates Act, 2014 in order to include South Sudan to be one of the countries whose citizens are qualified for admission as advocates in Kenya. The Bill is informed by the fact that the Republic of South Sudan is a member of the East African Community and there is need to provide for its citizens to be admitted as advocates in Kenya.

Statement on the delegation of legislative Powers and Limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill does not concern County Governments in terms of Article 109 (4) (a) of the Constitution as it does not contain provisions that affect the powers of the County Government set out in the fourth Schedule.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion expenditure of public funds.

Dated the.....2019

NAISULA LESUUDA
Member of Parliament.

Section 12 of the Advocates Act , 2014 which it is proposed to amend.

12. Qualification for admission as advocate

Subject to this Act, no person shall be admitted as an advocate unless—

- (a) he is a citizen of Kenya, Rwanda, Burundi, Uganda or Tanzania; and
- (b) he is duly qualified in accordance with section 13.

KENYA NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

SELECT COMMITTEE ON REGIONAL INTEGRATION



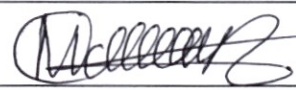
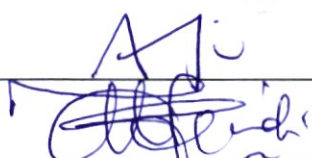
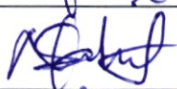

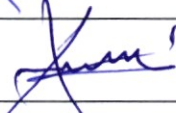

Adoption of the report on the interactive study visit to the East African Community Headquarters, Arusha, Tanzania from 16-22 May 2019, and the Advocates (Amendment) Bill, 2019


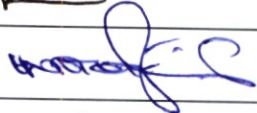



We the undersigned, hereby affix our signatures to this Report to affirm our approval

DATE 25 June 2019

TIME 11:30

VENUE CPA Room

	NAME	SIGNATURE
1.	Hon. Naisula Lesuuda, M.P, OGW (Chairperson)	
2.	Hon. Capt. Ruweida Mohamed, M.P (Vice-Chairperson)	
	Hon. Christopher Nakuleu, M.P	
4.	Hon. Kubai Iringo, M.P	
5.	Hon. Elijah Memusi Kanchory, M.P	
6.	Hon. Janet Teyiaa, M.P	
7.	Hon. Joyce Emanikor, M.P	
8.	Hon. Eve Obara, M.P	
9.	Hon. Ezekiel Ombaki, M.P	
	Hon. Sen. Janet Ong'era CBS, M.P	
11.	Hon. Mathias Robi, M.P	
12.	Hon. Rozaah Buyu, M.P	
13.	Hon. Malulu Injendi, M.P	
14.	Hon. Nasri Ibrahim, M.P	
15.	Hon. Dr. Gideon Ochanda, M.P	
16.	Hon. Ali Wario, M.P	
17.	Hon. Abdi Mude Ibrahim, M.P	

18.	Hon. Erastus Nzioka, M.P	
19.	Hon. William Kamket, M.P	
20.	Hon. Ndindi Nyoro, M.P	
21.	Hon. Kassim Tandaza, M.P	
22.	Hon. Gideon Keter, M.P	
23.	Hon. Geoffrey Omuse, M.P	

MINUTES OF THE SEVENTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 25TH JUNE, 2019 IN THE MEMBERS LOUNGE, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Dr. Gideon Ochanda, M.P. - *Chairing*
2. Hon. Erastus Kivasu Nzioka, MP
3. Hon. Mathias Robi, M.P
4. Hon. Kassim Tandaza, MP
5. Hon. Nasri Sahal Ibrahim, MP
6. Hon. Ndindi Nyoro, M.P.
7. Hon. Elijah Memusi Kanchory, MP
8. Hon. Eve Obara, M.P
9. Hon. Malulu Injendi, M.P
10. Hon. Ali Wario Guyo, M.P.
11. Hon. Abdi Mude Ibrahim, MP
12. Hon. William Kamket, M.P.
13. Hon. Geoffrey Omuse, M.P
14. Hon. Rozaah Buyu, MP

ABSENT WITH APOLOGIES

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kubai Iringo, MP
4. Hon. Sen. Janet Onge'ra, CBS, MP
5. Hon. Ezekiel Ombaki, MP
6. Hon. Janet Teyiaa, MP
7. Hon. Gideon Keter, M.P
8. Hon. Joyce Emanikor, MP

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abenayo M. Wasike - Senior Clerk Assistant
2. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant

MIN. NO. NA/RIC/2019/77

PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/78 CONFIRMATION OF MINUTES

Minutes of the 16th sitting held on Thursday 20th June, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. Ali Wario Guyo, M.P and seconded by Hon. Malulu Injendi, M.P.

MIN. NO. NA/RIC/2019/79 ADOPTION OF THE REPORT ON THE INTERACTIVE STUDY VISIT TO THE EAST AFRICAN COMMUNITY HEADQUARTERS, ARUSHA , TANZANIA,16-22 MAY 2019

The Committee adopted the report of the interactive study visit to the East African Community Headquarters, Arusha, Tanzania from 16-22 May 2019, having being proposed by the Hon. William Kamket, M.P. and seconded by the Hon. Eve Obara, M.P.

MIN. NO. NA/RIC/2019/80 ADOPTION OF THE ADVOCATES (AMENDMENT) BILL, 2019

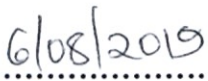
The Committee adopted the proposed Advocates (Amendment) Bill, 2019, having being proposed by the Hon. Mathias Robi, M.P. and seconded by the Hon. Malulu Injendi, M.P.

MIN. NO. NA/RIC/2019/81 ADJOURNMENT

The meeting adjourned at twelve o'clock.

SIGNED..........

(Chairperson)

DATE..........

MINUTES OF THE SIXTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 20TH JUNE, 2019 IN THE MEMBERS LOUNGE, NEW WING, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Elijah Memusi Kanchory, MP
4. Hon. Eve Obara, M.P
5. Hon. Malulu Injendi, M.P
6. Hon. Ali Wario Guyo, M.P.
7. Hon. Abdi Mude Ibrahim, MP
8. Hon. William Kamket, M.P.
9. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Kubai Iringo, MP
2. Hon. Sen. Janet Onge'ra, CBS, MP
3. Hon. Dr. Gideon Ochanda, M.P.
4. Hon. Erastus Kivasu Nzioka, MP
5. Hon. Mathias Robi, M.P
6. Hon. Kassim Tandaza, MP
7. Hon. Nasri Sahal Ibrahim, MP
8. Hon. Ndindi Nyoro, M.P.
9. Hon. Ezekiel Ombaki, MP
10. Hon. Janet Teyiaa, MP
11. Hon. Gideon Keter, M.P
12. Hon. Joyce Emanikor, MP
13. Hon. Rozaah Buyu, MP

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant

MIN. NO. NA/RIC/2019/73

PRELIMINARIES

The Chairperson called the meeting to order at fifty minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/74

CONFIRMATION OF MINUTES

Minutes of the 15th sitting held on Thursday 13th June, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. William Kamket, M.P and seconded by Hon. Capt. Ruweida Mohammed, M.P.

**MIN. NO. NA/RIC/2019/75 CONSIDERATION OF THE ADVOCATES
(AMENDMENT) BILL, 2019**

The Committee was informed that the proposal to amend the advocates Act arose from concerns raised during an interactive study visit by the Committee to the East African Community headquarters in Arusha Tanzania, where the delegation was informed that advocates from South Sudan were unable to practice in Kenya due to limitations in the existing legislation.

Analysis of the Bill

The principal object of the Bill is to amend section 12 of the Advocates Act 2014 in order to include South Sudan to be one of the Countries whose citizens are qualified for admission as advocates in Kenya.

Currently, section 12 of the Advocates Act which is proposed for amendment provides for admission as advocates to citizens of Kenya, Rwanda, Burundi, Uganda or Tanzania who qualify for admission in accordance with the Act.

Justification for the amendment

The Bill is informed by the fact that the Republic of South Sudan is a member of the East African Community and there is need to provide for its citizens to be admitted as advocates in Kenya.

Committee observations

The Committee observed:-

1. That the Republic of South Sudan is the newest member of the East African Community having joined the Community in April 2016.
2. The amendment was necessary in that by including the Republic of South Sudan in the Advocates Act 2014, it would not only promote the EAC integration efforts but also enable advocates from South Sudan who qualify under the act to practice in Kenya.

Committee resolution

The Committee resolved that the proposed amendment be presented for adoption, together with the Committee report on the interactive study visit during the next sitting, and that the amendment bill be tabled as an annex to the report.

MIN. NO. NA/RIC/2019/76 ADJOURNMENT

The meeting adjourned at forty three minutes past twelve o'clock.

SIGNED..........

(Chairperson)

DATE..........

MINUTES OF THE FIFTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 13TH JUNE, 2019 IN THE CPA ROOM, MAIN PARLIAMENT BUILDINGS AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW – Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kubai Iringo, MP
4. Hon. Sen. Janet Onge'ra, CBS, MP
5. Hon. Dr. Gideon Ochanda, M.P.
6. Hon. Erastus Kivasu Nzioka, MP
7. Hon. Elijah Memusi Kanchory, MP
8. Hon. Mathias Robi, M.P
9. Hon. Malulu Injendi, M.P
10. Hon. William Kamket, M.P.
11. Hon. Kassim Tandaza, MP
12. Hon. Ali Wario Guyo, M.P.
13. Hon. Nasri Sahal Ibrahim, MP
14. Hon. Ndindi Nyoro, M.P.

ABSENT WITH APOLOGIES

1. Hon. Ezekiel Ombaki, MP
2. Hon. Janet Teyiaa, MP
3. Hon. Eve Obara, M.P
4. Hon. Abdi Mude Ibrahim, MP
5. Hon. Gideon Keter, M.P
6. Hon. Joyce Emanikor, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Geoffrey Omuse, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant
2. Ms. Catherine Mukunyi - Serjeant At Arms

MIN. NO. NA/RIC/2019/68

PRELIMINARIES

The Chairperson called the meeting to order at Thirty five minutes past eleven o'clock and a prayer was said.

MIN. NO. NA/RIC/2019/69

CONFIRMATION OF MINUTES

Minutes of the 14th sitting held on Thursday 9th May, 2019 were confirmed as a true record of proceedings of that day and proposed by Hon. William Kamket, M.P and seconded by Hon. Kubai Iringo, M.P.

MIN. NO. NA/RIC/2019/70

CONSIDERATION OF THE REPORT ON THE INTERACTIVE STUDY VISIT TO THE EAST AFRICAN COMMUNITY HEADQUARTERS, ARUSHA, TANZANIA 16-22 MAY 2019

The Chairperson who was also the delegation leader briefed the Committee on the training and highlighted the following:

1. The delegation had some fruitful engagements with East African Law Society (training organizers), the East African Court of Justice, the East African Business Council as well as the East African Legislative Assembly where the delegation met with the Speaker and engaged with the Committee on Legal, Rules and Privileges and the Committee on Accounts.
2. The East African Business Council had expressed interest in convening the proposed meeting of all East African Community partner states parliamentary committees dealing with the East African Community matters. It was further proposed that parliamentary committees dealing with trade be invited to the meeting. The proposed date for the meeting was August 2019.
3. The East African Law Society (EALS) would organize side meetings with the Committee in Kigali alongside the EALS annual conference to be held in Kigali Rwanda in September 2019.
4. During the meetings, a concern was raised that the advocates from other East African Community Partner States are able to practice in Kenya apart from those from the Republic of South Sudan. It was therefore proposed that the Committee should initiate an amendment to the Advocates Act 2017 to have the republic of South Sudan included in the said act.
5. The Committee resolved that the action points, observations and recommendations be recasted and the report be presented to the Committee for adoption.

MIN. NO. NA/RIC/2019/71

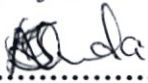
ANY OTHER BUSINESS

1. The meeting resolved that the committee work plan for the period ending in June be presented for review and a proposed work plan for the remaining half year be presented to the Committee for consideration.
2. Hon. Dr. Gideon Ochanda, Chairperson of the Caucus on Sustainable Development Goals invited the Committee to attend a luncheon organized by the Caucus, scheduled to be held at the fountain garden, Parliament Buildings on Thursday 20th June 2019.

MIN. NO. NA/RIC/2019/72

ADJOURNMENT

The meeting adjourned at fifteen minutes past twelve o'clock.

SIGNED..........

DATE.......... (Chairperson)