

# **EAST AFRICAN CIVIL SOCIETY ORGANISATIONS' FORUM**

*Strengthening Civil Society in the Integration Process*



**CIVIL SOCIETY- EALA ENGAGEMENT MECHANISM**

**DEVELOPED FOR THE EAST AFRICAN CIVIL SOCIETY FORUM**

**BY**

**DR COLLINS ODOTE**

**MAY, 2015**

## Table of Contents

ABBREVIATIONS .....	3
I. BACKGROUND .....	4
II. BASIS FOR CIVIL SOCIETY AND EALA ENGAGEMENT.....	8
a. The Role of EALA in Regional Integration .....	8
b. Dialogue With CSOs .....	10
c. Past CSO- Legislative Engagements in East Africa.....	14
d. Examples of CSO Engagements with EALA in Partner States.....	15
e. Comparative Lessons .....	18
III. PROPOSALS FOR AN ENGAGEMENT FRAMEWORK .....	22
a. Rationale for Engagement .....	22
b. Guiding Principles .....	23
c. Objectives of engagement .....	24
d. Proposed Structure for Engagement .....	25
e. Engagement Arena.....	27
f. Monitoring and Evaluation .....	28
IV. CONCLUSION AND RECOMMENDATIONS.....	29

## **ABBREVIATIONS**

CDF	CONSULTAIVE DIALOGUE FORUM
CSO	CIVIL SOCIETY ORGANISATION
CM	COUNCIL OF MINISTERS
EAC	EAST AFRICAN COMMUNITY
EACJ	EAST AFRICAN COURT OF JUSTICE
EACSO	EAST AFRICAN CIVIL SOCIETY FORUM
EALA	EAST AFRICAN LEGISLATIVE ASSEMBLY
PSO	PRIVATE SECTOR ORGANISATION

## I. BACKGROUND

The revival of the East African Community(EAC), that was heralded by the Signing of the EAC Treaty in 2000 sought to build on historical ties between the Partner states of the Community, avoid past pitfalls and promote greater socio-economic, cultural, political and technological ties thereby realizing fast, balanced and sustainable development. One of the reasons captured in the EAC Treaty for the collapse of the original EAC in 1977 was the lack of strong participation of the private sector and civil society in the activities of the community. Consequently, when the EAC was re-established, the Treaty sought to secure the place of private sector and civil society in its activities.

The main objective of the East African Community is to develop policies and programs aimed at widening and deepening co-operation among the Partner States in mainly political, economic, social and cultural fields, research and technology, defense, security, legal and judicial affairs, for the partners' mutual benefit. In realizing this objective, the Community is committed to, amongst other things, enhancing and strengthening partnerships with the private sector and civil society. In addition, Article 7 of the EAC Treaty underscores that the practical achievement of the objectives of the Community shall be governed by several operational principles. The first of these principles is the guidance that the integration process shall be people-centered and private sector driven, an acknowledgement of the central place of the people and the private sector in activities of the EAC. In essence programmes, processes and decisions of the community are expected to have the people at the forefront and be guided by the interests and needs of the private sector.

The Treaty envisages structured involvement of the private sector and civil society in EAC integration processes. Articles 127, 128 and 129 speaks to the required policy and operational decisions and frameworks to enable structured and meaningful engagement of the private sector, civil society and other interest groups, including professional in EAC discussions and decisions and related events at the level of

partner states. Article 127 focuses on the creation of an enabling environment for the private sector and civil society; Article 128 addresses options for strengthening private sector while Article 129 tackles cooperation amongst business organizations and professional bodies.

Article 127(4) of the Treaty contains the explicit directive for the creation of a framework for dialogue between the EAC, civil society and private sector. It provides that “The Secretary General shall provide the forum for consultations between the private sector, civil society organizations, other interest groups and appropriate institutions of the Community.” This Article contemplates a clear and institutionalized framework for consultation with civil society and private sector and other interest groups thus ensuring that their perspectives are captured and integrated in EAC integration initiatives.

At its 19<sup>th</sup> meeting, the Council of Ministers directed the EAC secretariat to “formalize the forum provided for under Article 127(4) of the Treaty with a proposal on rules of procedure to guide the participation of the private sector and civil society and other interest groups.” (Report Ref: (EAC/CM 19/Directive 27). This formed the commencement of efforts to develop a structured framework for dialogue with civil society and private sector. Initial efforts involved convening of an experts group by the EAC Secretariat. This was followed by national consultations to generate ideas on the structure and operations of the forum envisaged by Article 127(4) of the EAC Treaty. Lastly several regional meetings involving representatives from civil society, private sector, the EAC secretariat and Partner States officials developed consensus on the structure of the forum and its rules of operations. These discussions culminated in the 26<sup>th</sup> Council of Ministers meeting, held in Nairobi on 26<sup>th</sup> November, 2012 at which the Consultative Dialogue Forum (CDF) was formally adopted.

The CDF operationalizes Article 127(4) of the Treaty and provides a structured and clear mechanism for engagement between the EAC on the one hand, and the Civil Society, private Sector and other interest groups on the other hand. The CDF envisages continuous dialogue between EAC, Partner States, CSOs, PSOs and other

interest groups both at the national and regional level. National dialogue is to be coordinated through the Ministries responsible for EAC Affairs while regional dialogue is to be at two levels; continuous dialogue in accordance with the EAC calendar of activities and an annual forum convened by the Secretary General of the East African Community. This meeting to be known as the Secretary General's Forum is to be organized collaboratively based on an agenda agreed upon between the private sector, civil society and other interest groups and the EAC Secretariat and be held annually. It requires that PSOs and CSOs be organized at the regional level through regional apex bodies.

Since the adoption of the CDF, the East African Civil Society Forum (EACCSOF) has continued to play the role identified in the CDF as the main apex organization for civil society in the integration process. It has, in this role, participated in the organization, identification of CSO participants and attendance at the Secretary General's fora that have been organized as part of the CDF process. From these meetings important deliberations have taken place in a consultative manner resulting in several resolutions. However, it has emerged that while the EAC Treaty envisages involvement of Private Sector and Civil Society in all the affairs of the Community, the CDF excludes certain key organs from its remit. One such organ, where public input is necessary but which is not currently captured by the CDF structure is the East African Legislative Assembly (EALA). This exclusion arises from the fact that the CDF revolves around the Secretary General's Office. Other organs are, consequently, only linked to the CDF process through feedback by the Secretary General.

Despite the above limitation, the mandate of EALA, as the legislative arm of the Community requires the active involvement and input of the people. EALA has the possibility of increasing the participation of the people in regional integration through its programmes and methodology of delivering on its mandate. Enhanced engagements with civil society provide an avenue for realizing this. It is against this background that this document proposes a structured mechanism for consultations and engagements between EALA and civil society in East Africa. It is developed for EACCSOF to aid its consultations with EALA in order to agree on a collaborative

structured relationship. The proposals are based on the EAC Treaty objectives, the EALA rules of procedure, support the 2013-2018 EALA Strategic Plan and seek to complement the structured dialogue captured by the adopted CDF. The driving imperative is the need to have a more consultative and responsive integration agenda, one that delivers for the majority of the people of East Africa. such an engagement mechanism will enable CSOs and EALA to consult and develop joint ideas that will help influence the legislative, oversight ad representative role of EALA and ensure that EALA and CSOs better bring the voice of citizens to bear on the integration process.

This document is structured into four parts. Following this introductory part, the second part conceptualizes the relationship between EALA and civil society in East Africa and traces the developments thus far in that relationship based on the Treaty stipulations. Part three details the elements for the structured engagement, including rationale, objectives, engagement arenas and the structure for relating between the Assembly and civil society. Chapter four, which also concludes the framework, summarizes the operational actions required to bring the framework into force.

## **II. BASIS FOR CIVIL SOCIETY AND EALA ENGAGEMENT**

### **a. The Role of EALA in Regional Integration**

The East African legislative Assembly is established under Chapter Nine of the Treaty of the EAC as the legislative organ of the Community. The membership of the Community consists of nine members elected from each of the Partner states of the Community, the Minister responsible for EAC affairs from each Partner State and their deputy as ex-officio members and also the Secretary General and Counsel of the Community also as ex-officio. As the legislative organ of the Community, the Assembly is charged with the duty of:

- liaising with the National Assembly of Partner States on matters of the Community;
- debating and approving budgets of the community;
- considering annual reports on the activities of the community;
- considering annual audit reports of the Audit Commission and any other reports referred to it by Council; and
- discussing all matters relating to the Community and making appropriate recommendations to the Council.

Article 49 of the Treaty also requires the Council to publish an annual report on the activities of the Community and present this to the Assembly for consideration. This requirement captures the wide oversight functions that the Assembly has over the affairs of the Community.

It is evident from the foregoing that EALA encapsulates all the three traditional roles of a legislature, namely legislation, oversight and representation. These three roles influence the shape, direction and pace of regional integration. In its legislative role the Assembly makes laws. Law-making is the most contested functions of regional

assemblies. Indeed, EALA and the EU Parliament are the only regional assemblies that have some law-making powers. Article 59 of The Treaty gives every member of the Assembly the power to introduce any motion or Bill in the Assembly. However, this power is limited to the extent that members may not introduce Bills which, if passed would result to imposition of a charge on any fund of the Community, payment issue or withdrawal from any fund of the Community of any moneys not charged thereon or remission of any debt due to the Community. Such Bills can only be introduced by the Community and not a private member.

The exercise of the legislative functions of EALA has been subject to past controversy and difference of opinion between the Assembly and the Secretariat and also the Council. This has led to members of EALA filing a case before the East African Court of Justice seeking interpretation on the extent of the legislative authority of EALA. In the case of *Calist Andrew Mwatela & 2 others Vs.: The East African Community* (EACJ Application Number 1 of 2005, a key issue for determination related to the relationship between the Council and the Assembly on legislation and the linkages between Private Member Bills and Bills by Council. A related issue concerned the nexus between Protocols and Bills as avenues for providing legislative and policy clarity on issues affecting the Community. The Court held that both the Assembly and the Council had legislative powers under the Treaty and that relationship required to be exercised in accordance with the Treaty and the Rules of Procedure governing conduct of deliberations in the Assembly.

EALA has, since its establishment passed several pieces of legislation including on Trade and HIV-AIDS, amongst others. The latter of these was developed based on proposals and initial drafts from the Civil Society. In its oversight role, EALA keeps the Secretariat and the executive arm of the Community (Council) in check through debating and approval of the Community budget, debate of the audit reports and debating EALA committee reports. In its legislative and oversight roles, EALA has several avenues that civil society can engage with it as it discharges its functions.

EALA also has a representative role. Due to the manner in which the members are elected, there exists some debate as to whether EALA members truly represent the people of East Africa. According to those who argue against their representative role, it is posited that since they are not elected through universal suffrage, but by the national Parliaments, coupled with their few numbers, EALA members do not have a representative role. The correct position, however, is that while there is need for improvement in the method of electing EALA members, even under the current arrangements EALA have a representative mandate. First, their electorate, the members of the national assembly are themselves elected by the People. Consequently, as they elect members of EALA they do so on behalf of the wider East Africans. The Treaty additionally requires structured relations between EALA and the National assembly of the partner states. As stipulated by Article 65 of the EAC Treaty, this is done in “pursuance of the policy of the Community of popular participation in achievement of its objectives” so that the integration process captures the aspirations and wishes of the people as expressed through their representatives. This is a demonstration of the representative role of EALA.

EALA has, in discharging its representative role, held several public fora and outreach activities in all the Partner states so as to connect with the citizens of East Africa and hear their voices and contributions to the integration project.

#### **b. Dialogue With CSOs**

In discharging their role, legislatures should seek the support and involvement of civil society. As representatives of the people, legislatures have a critical role to play in decision making processes by harnessing, listening to and synthesizing the views of the public so as to influence policy making.

The involvement of civil society in policy making and governance processes in Africa has increased tremendously in the last few decades fusing with a wave of democratic reforms within the continent. This involvement has, however, occurred against

contestation of the nature of civil society and the rationale for their involvement in such processes. There are those who argue that civil society add no value to policy making, do not represent anybody and are thus unaccountable. To them what civil society does is akin to playing partisan politics. In any case, civil society is normally restricted to urban-based and elite groups disconnected from the rural population. In reality though, while CSOs have several limitations, including lack of coordination, poor funding base, limited or non-representation of society, they are a critical component of democratic governance. Involving them in policy making and implementation is not only good politics; it is a hallmark of democratic development. It is, consequently important that the engagement of CSOS in EAC integration extends to all organs and institutions, to the extent possible. This includes engagement with EALA.

In engagements between Civil Society and EALA in regional integration process, clarity on the definition of the term Civil Society is necessary. This is because despite its wide usage, there is lack of consensus on the exact meaning of the term and the extent of the sector. The term is increasingly being used to suggest how public life should within and between societies. It also provides a way of describing the social action that occurs within the context of voluntary associations or intermediaries. The more accepted and widely used definition of the term is that of voluntary an autonomous non-profit associations which occupy the space between the family and the State and are independent of both the State and the market. Article 1 of the EAC Treaty defines Civil Society "a realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by a legal set of shared rules." in practice, however, the challenge is to realize that Civil society is larger than Non-governmental organizations and Community based organizations. Second is to have clarity on how entities like trade unions, media and faith based organizations are treated. Whether seen as part of or distinct from civil society EALA requires to engage with them too just as does with the traditional category of civil society. This is the approach that the Consulted Dialogue Framework has taken, by

seeing these latter groups as part of the wider category referred to as “other interest groups’ in Article 127(4) of the Treaty.

The basis for EALA’s engagement with civil society in the EAC integration process is evident from several sources. First, there is broad recognition within the Treaty that to avoid the pitfalls of the original integration, the process must not be captive to the leadership of the community and the Partner states. This requires engagement of a wide stakeholder base from East Africa. Civil society is a key component of the stakeholders, first, in their own right and secondly as a vehicle for harnessing the voice of the larger citizenry. Consequently if the preambular directives of the Treaty are to be adhered to, then civil society require to be involved in all aspects of the integration including EALA’s work. Secondly, one of the overriding objectives of the Community is to enhance and strengthen partnerships with private sector and civil society so as to achieve sustainable socio-economic and political development. To the extent that the activities of EALA are wholly geared towards supporting the realization of this objective by the community, it is logical that EALA engages both civil society and private sector in all its endeavors. Thirdly, the adoption of the CDF, in fulfillment of the requirement of Article 127(4) of the Treaty underscored the importance of consultation with civil society, private sector and other interest groups in EAC integration. The exclusion of EALA from CDF was done only so to ensure respect of the integrity and distinct nature of the Assembly and not desire to exclude CSOs from EALA’s undertakings. Further Article 65 of the Treaty, while dealing with the linkages between the EALA and the national assemblies in the Partner states underscores that this is being one with a view to enhancing popular participation of the people in the Community Affairs. It is trite fact that CSOs play a catalytic role in bringing the voice of the citizenry to bear in policy and legislative processes and would be critical in ensuring popular participation as envisaged in Article 65 of the Treaty.

The EALA rules of Procedure also contain rules that are supportive of engagement with civil society. Part VIV of the Rules provides for the creation of standing and select committees. The discharge of the mandate of these committees, both in considering reports, investigations and other matters within their broad mandate requires that they consult with and engage members of the public, a function that gives basis for engagement with civil society. Rule 85 captures the rights of citizens of East Africa to petition EALA on any matter that falls within the Community's purview. While this right is focused on individuals, civil society are an essential component of its operationalization, since working together with citizens they can build their capacity and support them on developing and presenting petitions for consideration by EALA. Use of these mechanisms would help enhance the involvement of the public in EALA's deliberations. The Rule requires that such petitions once presented will be referred to the relevant committee to consider. As part of the consideration stage, the Committee can organize public hearings, providing another avenue for engagement with and inputs by civil society.

While the EAC Treaty has provisions which are enabling for CSO-EALA linkages, the Strategic Plan for 2013-2018 is even more directional on the need for structured engagements between EALA and CSOs. It highlights as one of the core deliverables for EALA, the holding of "periodic consultations and promotional events on EAC integration issues in the region and, thus, establishing clear communication lines between EALA Members and the citizens of East Africa, which encourage their participation in key debates and developments in the EAC." In addition the Plan identifies in its list of key stakeholders, the Civil Society an acknowledgement of the need to engage this constituency in the implementation of the Plan and workings of EALA. The Assembly, while acknowledging the people-centered nature of the EAC integration, decried the lack of meaningful involvement in current processes. Under the 2013-2018 Plan, EALA has set for itself the task of being in the drivers' seat in the process of making EAC more people centered by promoting parliamentary democracy, more astute representation of the people of East Africa and increasing parliamentary linkages. The Plan proposes to enhance participation in its legislative process and as

well as building of synergies with other stakeholders in engaging citizens with a view to widen and deepen EAC integration.

It is clear from the foregoing that there is legitimate basis for EALA to have structured collaboration an engagement with CSOs in the discharge of their mandate. Institutionalization of channels of interaction between CSOs and legislators will help to overcome problems of cronyism, reduce negative impacts of high legislator turnover on policy influence options and promote the uptake of research evidence in policy debates.

### **c. Past CSO- Legislative Engagements in East Africa**

In assessing past CSO-legislature engagement in East Africa, one should do so against the options available for such engagements. The contributions of civil society in relating with the legislature have been categorized as acting as conduits of citizens' views, service providers, knowledge generation. In doing these the typical array of contributions that civil society makes include:

- Providing expert inputs
- Promoting policy reforms through CSOs inputs in Parliamentary hearings
- Coordinating outreach activities to enhance grassroots participation in policy dialogue
- Long-term alliances with political parties or quotas in seats.

At the EALA level, the past involvement of civil society in the Assembly affairs has, however, been uncoordinated, making it difficult to track and measure its impact. Despite this, there are numerous examples of positive contributions by civil society. Civil society has collaborated in the legislative process, providing technical information that led to drafting of several Bills. The East African Trade Negotiations Bill and the HIV/AIDS Bill are two examples, with the latter having been drafted by CSO before being taken up by the Assembly. In addition, CSOs have critiqued and commented on draft Bills before EALA. Other roles have included research and

analysis on key legislative areas, community and citizen organizing, involving EALA members in workshops and public debates and participating in EALA meetings and public hearings. The examples of the East African Law Society and the work of the EASSI are positive examples of engagements with EALA.

EASSI engagement with EALA focused around the campaign for an East African Community Protocol on Gender Equality initiated by EASSI in 2008, with the aim of contributing to gender equality, equity and sustainable development in the East African Community (EAC). The overall purpose of the proposed Gender Protocol was to advance gender equality across the five EAC Partner States in the economic, political, social and cultural spheres, for the benefit of women and men. The Protocol was meant to consolidate into one legally binding document, the various instruments on gender equality to which the EAC Partner States are party or signatory at the continental and international levels. EASSI engaged both the EAC and EALA at the highest level of the Secretary General and Speaker respectively. The result has been development of both a draft Gender Protocol and a Bill.

#### **d. Examples of CSO Engagements with EALA in Partner States**

While the participation and influence with EALA has been limited, there are a lot of engagements that Civil Society has had with legislatures generally at the national level that can form useful precedent for regional engagement. In all the five countries, CSO hand parliamentarians have a deep engagement, which even though conflictual at times has resulted in tremendous improvement on the outputs from the legislature and benefits to the people of East Africa.

Quick feedback from EACSOFF members in each of the partner states revealed the following as the state of engagement with EALA and the national assemblies.

In Burundi, Civil Society engages with MPs on a number of issues including the process of making laws. However, on many occasions, MPS are reluctant to work together with Civil Society. This arises from the fact that CSOs are sometimes critical of government and because of the lack of separation of powers in Burundi, MPs seem to depend on

the government or their parties resulting in their lukewarm response to CSOS. This results in lack of formal avenues for linkages between MPs and CSOs leaving CSOs with only personal contacts as the option for links. On elections of EALA representatives, though CSOs have made suggestions to the government that they would like to be involved in the election of EALA representatives, this is yet to happen. There are limited examples of some level of engagement, including the Public hearing held in December 2013 under the auspices of the Speaker of the Parliament to prepare for the 2015 elections at which stakeholders including civil society were invited. Overall, though there lacks structured avenues for engaging the national legislature and the EALA chapter in Burundi

In Kenya, There exists limited but unstructured engagement between individual CSOs and EALA at the national level. An example include a cross-border project by CLARION in Taveta between Kenya and Tanzania on citizen civic education with planned meetings between the Kenyan and Tanzania national EALA chapter members which have been unsuccessful. Similarly, CSOS have occasional meetings with departmental EALA committees and with the EALA chapter. Individual chapter members are also invited to workshops and seminars organized on thematic issues of their interest by CSOs in Kenya. Engagements with the national chapter are much more in-depth and structured. CSOS contribute to draft legislations before parliamentary committees and sometimes even draft bills that are introduced by private members. For example, the Public Benefit Organizations Act was a private member bill initiated by CSOs. The CSOs further petitioned parliament through the speaker against the proposed PBO amendments by parliament. There exists a network for CSOS called the Parliamentary Initiative Network (PIN) comprised of CSOs that have close collaboration with Parliament in the course of their work. Avenues for engagement include invitations of MPS to CSO meetings, attendance by CSOS to MPS workshops and hearings, informal engagements, CSO support to MPs caucuses and meetings, petitions to parliament, supply of research reports and evidence gathering.

Rwanda has no engagement with EALA both at the regional and national chapters. Of positive note is that there is a warm relationship between the national legislature and

CSOs. CSOs are always invited to attend parliamentary sessions and give their proposals on bills. CSOs have given advisory opinion on land laws, abortion bills and many others but the assembly has considered less than ten percent which the Rwandan CSOs feels is a good step in the right direction.

In Uganda several civil society organizations have had engagements with EALA. Some are regional organizations like EASSI. Others have invited EALA to their meetings and also carried out research projects where EALA was the subject, an example of such engagement is with Kituo Cha Katiba. Several organizations have also participated in discussions on proposed Bills or drafted Bills that have then been presented for debate in EALA. Others have participated in debate on harmonization of regional laws. On CSO-Uganda legislature engagement, in 2012 CSOs and the assembly speaker signed a MoU on how they would work together but they failed to receive the signed MoU since the speaker was quickly summoned by the AG and warned on signing such document with the CSO. This made their relationship even worse. There also exists a joint program (oversight project) supported by UNDP to strengthen oversight by CSOs and to demand accountability from the elected leaders. There is also a parliamentary watch that checks what the parliamentarians do for their people on the legislative agenda and how it relates to the peoples priorities. This is published in a yearly bulletin. At the sub national level there are constituency parliaments where CSOs initiate discussions between the elected MPs to account on what they are doing in relation to the aspirations of the electorate.

Finally from the United Republic of Tanzania, there has been no reported interaction with the national or regional EALA chapters save for one meeting organized by EALA on the representation role of EALA as an EAC organ to which CSOs were invited. Positively though, it was reported that CSOs have engagement with the Tanzanian national assembly. Of important note being the NGO Act of 2002 with amendments done in 2005 opening up the space for NGO operation. CSOs are still in talks with the drafters of the amendments to push for more amendments. There is involvement of

CSOs in policies like the Agriculture policy, monitoring the national budget and the Ministry of East African Cooperation in Tanzania has a desk dealing with CSO-EALA relations.

#### **e. Comparative Lessons**

This section briefly discusses Civil Society engagement in regional integration efforts within SADC, ECOWAS and the European Union. It seeks to draw out the contribution of CSOs to the integration process and any lessons for linkages with the regional Parliament.

Close CSO and ECOWAS engagement is traceable to the 1993 revised ECOWAS Treaty which called for ECOWAS to cooperate with regional CSOS and encourage broad participation of citizens. This marked a shift to a more “people centered” agenda as opposed to the “overly state-centric approach of the past.” since then CSOS have collaborated with ECOWAS in several initiatives. For instance ECOWAS has been working with regional civil society networks and organizations like the Centre for Democracy and Development (CDD), the West Africa Network for Peace building (WANEP), the Foundation for security and Development in Africa (FOSDA), the West African Women’s Association (WAWA), the West Africa Civil Society Forum (WACSOFF), he and the Mano River Women’s Peace Network (MARWOPNET) on issues of governance, early warning, small arms proliferation, gender, elections observation among others.

Other examples of civil society and ECOWAS collaborations include the Forum of Associations Recognized by ECOWAS (FARE), The ECOWAS early warning system (ECOWARN) and the West African Civil Society Forum (WACSOFF). FARE was created by ECOWAS to bridge the gap between civil society organizations and the regional economic community. The association has a membership base of about 30 CSOs that represent the different constituents of civil society in the region and serves as a forum for dialogue. ECOWARN, on its part is collaboration between ECOWAS and Civil

Society for conflict prevention, where WANEP mobilizes civil society for data collection. Through this initiative, civil society has been involved in monitoring, analyzing and evaluating conflict information at the community and national levels. WACSOF was founded as a network of civil society organizations from the 16 ECOWAS states so as to formalize dialogue between regional civil society organizations (CSOs) and the ECOWAS secretariat in Abuja, Nigeria. WASCOF involves civil society in the process of elaborating, implementing, monitoring and evaluating political, security, economic, social and cultural programmes of ECOWAS. This platform provides civil society in the sub-region with an official corridor to dialogue and engage with both national governments and ECOWAS.

The ECOWAS Parliament has collaborated with Civil Society in several initiatives. It currently is implementing a ten year Gender Strategy for 2010-2020 developed with support from the Civil Society. The Strategy recognizes the need for partnership with civil society in its realization. The Parliament has also identified the need for greater collaboration with CSOS including joint outreach missions. ECOWAS 2020 is a strategy to convert ECOWAS from a community of states to a community of the people. This calls for greater representation of the people, a task that requires an expansion of the mandate of ECOWAS Parliament. As part of that process ECOWAS Parliament has sought to increase its interactions with citizens and civil society. In July, 2013 it signed a Memorandum of Understanding with the Friedrich Ebert Foundation, whose objectives included strengthening collaboration between the Parliament and relevant civil society organizations.

In Southern Africa, the Southern Africa Development Community provides for the involvement of Civil Society in the community affairs in its Treaty. Article 23 provides that in pursuance of the objectives of the Treaty, SADC shall seek to involve fully the peoples of the region and non-governmental organizations in the process of regional integration. It further states that SADC shall co-operate with, and support the initiatives of the peoples of the region and non-governmental organizations, contributing to the objectives of the treaty in the areas of co-operation in order to foster closer relations among the communities, associations and peoples of the

region. In furtherance of the idea of public participation, an amendment to the SADC Treaty Article 16 (A) provides for the establishment of SADC National Committees in each Member State. It is the responsibility of SADC National Committees to provide input, at the national level in the formulation of SADC policies, strategies and programs of action. They are also charged with coordinating and overseeing, at the national level, implementation of SADC programs of action. These national committees are a key mechanism through which civil society can provide inputs to the formulation of regional policies, strategies and programmes. In addition at a meeting in 1995, the SADC Council of Ministers directed all SADC institutions to ensure participation of NGOS in their activities and their attendance to all meetings except those of the Council and Summit.

In 1998, several SADC NGOS formed the SADC Council of NGOs to coordinate their interventions and engagement with SADC institutions. It is the recognized body through which civil society can interact with SADC and has close to consultative status with SADC. It signed an MOU with SADC in 2004.

One of the avenues for engagement between civil society and SADC is through the activities of the SADC Parliamentary Forum. Through SADC PF and national parliaments CSOs are able to input into policy and consequently contribute to regional integration. The engagements have however continued to be unstructured.

The EU is the most developed regional integration initiative in the world. Under the EU Treaty there is established the European Economic and Social Committee (EESC) as an advisory body through which civil society and business community can engage the EU. Its members are appointed by the Council of the European Union and represent three groups: employers, workers and various interest groups. EESC works in six sections/committees/clusters, each of which reports on the European Commission proposal referred to it. The clusters deal with Economic and Monetary Union and Economic and Social Cohesion; Single Market, Production and consumption; Transport, Energy, Infrastructure and the Information Society; Employment, Social Affairs and

citizenship; Agriculture, Rural Development and the Environment; and, External Relations. Both the Council and the Commission are obliged under the Treaty of Rome to consult EESC in these policy areas. Proposals for legislation are drawn up by the European Commission. As laid down in the Treaties, in a large number of policy areas these proposals have to be referred to the EESC. The Committee issues its collective view in the form of an opinion, which is then published in the EU's Official Journal. This is often of great use to the Council of Ministers because it knows that if the EESC can find broad agreement in its position, then this is likely to be a common-sense response that will work on the ground.

The European Parliament is also obligated by the Treaty to consult the EESC thus providing a structured avenue for engagement between Civil Society and the regional legislature in the EU. The entry into force of the Lisbon Treaty has enhanced the collaboration between EESC and the European Parliament.

### **III. PROPOSALS FOR AN ENGAGEMENT FRAMEWORK**

#### **a. Rationale for Engagement**

In shaping the direction that the EAC integration process takes, it is important to keep in mind the overall objectives sought to be realized and the roles of the various actors in doing so. The objectives of the Community as articulated in Article 5 focus on improving the livelihoods of the people, enhancing the levels of developments, improving governance and the rule of law and greater societal progress. EALA as one of the key organs of the Community has an important role to play in the realization of these objectives.

EALA, like every legislative body has several tools at its disposal in discharging its mandate. It can make laws, it approves budgetary allocations necessary to undertake programmes and plans that help meet the Treaty objectives. Importantly, it also oversees the Secretariat and executive organs of the Community. Linkages with Civil Society will be necessary to support EALA in discharging its mandate. Civil Society can play an important catalytic role in EALA better discharging its mandate. For this reason engagement with EALA is a critical undertaking for CSOs in the region. Indeed, working to strengthen the pathways through which parliamentarians are able to access and make use of quality policy-relevant evidence should be seen as an important component of broader political transparency and accountability initiatives.

Moreover, the role of the legislature as the elected representatives of the citizenry indicates that legislators have a particular responsibility to act as a channel for the voices of the population in the decision-making process - by listening to, synthesizing and conveying views expressed at the constituency level but also through parliamentary hearings. Linkages with civil society are necessary as they significantly strengthen these roles by legislatures.

Greater linkages between civil society and EALA will also be in line with the broad Treaty stipulations and EALA's own strategic priorities and commitments as captured in its 2013-2018 Strategic Plan.

### **b. Guiding Principles**

To guide the engagements between EALA and Civil Society, the parties will be guided by the overall principles that guide dialogue within the EAC as captured in the Consultative Dialogue Framework. Specifically the two parties commit to the following values and principles of dialogue:

- *Mutual Respect*: Both parties will respect the independence, mandate and contribution of each other. Engagement shall not be based on suspicion, bad faith and disrespect. Each Party commits to relate to one another on the basis of mutual respect, considering the unique and distinct role that each plays in society and to desist from denigrating and undermining the contributions of the other partner.
- *Value Addition*: The basis of engagement shall be based on the desire to add value to the EAC regional integration process and the activities and mandate of each other in the process.
- *Utmost Good faith*: in dealing with each other, every party commits to the principle of utmost good faith, which requires honesty and trust. As part of this commitment, the parties will desist from trying to take advantage of each other, and ensure candor and transparency in the conduct of their mutual relations.
- *Accountability for actions*: the parties will each be responsible and be held to account for their actions in the EAC integration agenda and in dealings with each other.
- *Service to the people of East Africa*: The parties will relate from the standpoint that from their diverse backgrounds and approaches, their actions must be geared towards delivering the greatest benefit to the citizens of East Africa.

- *Unity in diversity*- This involves appreciating that the mandates, backgrounds and styles of operations of the parties are different and may sometimes be at variance. However in their engagements, this diversity should be harnessed to ensure deepening and widening of the integration process and increasing its dividends to east Africans as opposed to diversity serving as a divisive element.

### **c. Objectives of engagement**

The objectives of the structured engagement between the civil society and EALA under this framework shall be to:

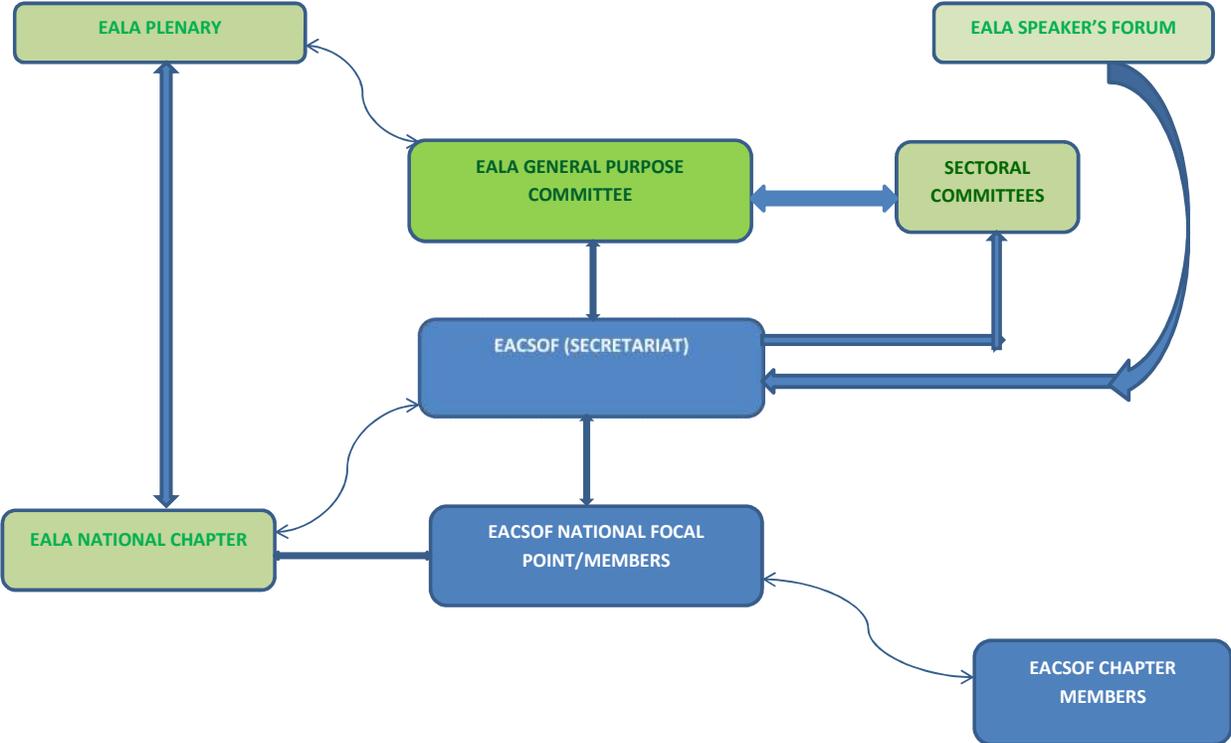
- Allow CSOs and EALA to consultatively work towards realizing the Community Objectives and promote a people-centered integration process.
- Enhance and strengthen partnerships between CSOs and EALA
- Provide a structured framework for consultation and dialogue between EALA, its National Chapters and Civil Society on EA integration process thus promoting a two-way communication channel
- Provide an enabling environment for CSO participation on EAC integration process and discussions.
- Establish clear and effective communication and feedback mechanisms between EALA and CSOs on matters of regional integration
- Enhance coordination of CSO positions in their relationships and engagements with EALA.
- Strengthen the capacity of CSOs and other interest groups to effectively engage in the EALA.
- Enable CSOs to input into the process of EALA discharging their mandate through legislation, oversight and representation.

In achieving the above objectives the Parties shall seek to develop synergies and linkages with the deliberations and resolutions emerging from the Secretary General's Forum under the Consultative Dialogue Forum. This is to ensure that the two processes while distinct and need to be kept as such, complement each other and

result in an integration process that is based on constructive input of the people of East Africa and is responsive to their issues and needs. This will lay the basis for sustainable and beneficial policies and programmes.

**d. Proposed Structure for Engagement**

The proposal for engagement between EALA and Civil Society recognizes several facts. In the first instance it is based on the desire to engage EALA mainly at the regional level, being a regional organ of EAC. However, it seeks to capture linkages between EALA’ national chapters and EALA sittings and outreach activities in Partner states. Additionally, the formal structures and processes of EALA are recognized. The structure only seeks to provide a structured mechanism for engagement between the assembly and Civil Society while recognizing the formal decision-making processes and deliberations of the assembly.



As is evident from the above diagram, the fulcrum of the engagement with EALA by Civil Society is the General Purposes Committee. However, Civil Society will also participate in thematic discussions on their areas of expertise by engaging with

relevant EALA committees. In addition it is proposed that The EALA Speaker convenes an Annual EALA CSO Speaker's Forum as an avenue for exchange of views on developments on regional integration and potential for civil society and legislature engagement in those processes.

The details of engagement require that EACSOFF at the regional level and the General Purposes Committee have regular interactions, with standing meetings at the start of every session of EALA to agree on modalities of engagement. This forum can also be used to bring to the attention of civil society upcoming Bills for their input and for CSOs to let EALA know if they have proposed legislation they intend to have introduced before the Assembly. Discussions on specific Bills and other sectoral concerns with then be transmitted by the General Purposes Committee to the relevant standing Committee of EALA for detailed consideration.

At the national level, the EACSOFF national chapter shall have regular and continuous dialogue with the EALA chapter through the national chairperson. This will provide regular opportunity for exchange of ideas, joint meetings and discussions on key issues within the country relevant for EAC.

The Structure envisages an annual Speaker's Forum. While the fulcrum for engagement is through the General Purposes Committee, there is an additional annual meeting to be chaired by the Speaker. The organization will be undertaken in consultation with the Speaker, Clerk and chairperson of the General Purposes Committee. The Committee to organize the forum shall be coordinated by the Clerk and have involvement of the EACSOFF. They will develop the agenda and modalities for conducting the annual CSO- EALA speaker's forum. This will be a forum to evaluate the state of EALA and civil society interactions and discuss key themes on issues affecting the community where EALA and civil society can make a contribution. The forum shall be purely for consultations. Its resolutions will be presented to the

General Purposes Committee for noting and informing the operations and plans for EALA.

The Choice of the General Purposes Committee is based on initial discussions with EALA and the role of the Committee which is provided for in the Rules of Procedure of EALA as revolving around oversight of the implementation of the Parts of the EAC treaty relating to general application of the EAC and its relation to EALA. This covers the broad rubric of the health and progress of the Community and its policies, which enables the relationship between CSOs and EALA to be wider.

#### **e. Engagement Arena**

As depicted in the abovediagram the fulcrum for the engagement with EALA by Civil Society will be through the General Purposes Committee. Consequently EACSOFF will have to develop close and continuous linkages with the committee. Regular consultation between the chairperson and membership of the Committee and the EACSOFF leadership is envisaged. These will provide a chance to develop consensus on regional integration issues that are of priority to the Civil Society and people of East Africa and require action by EALA. It will also help identify other engagements avenues.

Other opportunities and spaces for Civil Society and EALA to interact and for the former to influence and contribute to the realization of the objectives of EALA include:

- EALA plenary sessions
- EALA annual regional meetings(The Nanyuki Series)
- CSO-EALA side meetings during EALA sittings in Partner states
- EALA public hearings and outreaches.
- Engagements with EALA National chapters
- Annual CSO-EALA (Speaker's) forum
- Identifying private members who could act as CSO champions.

- Joint Workshops
- Input into draft Bills

From the foregoing, it is important to note that the diagrammatic representation only captures the broad structure for engagement but does not limit EALA and CSO consultations and engagements. What is called for is continuous and honest engagement, one that recognizes the mutuality in the relationship, while respecting the mandate of each actor.

#### **f. Monitoring and Evaluation**

The success of the Framework requires regular consultations and monitoring of progress. First, the Annual CSO Speaker's Forum will provide opportunity not just for dialogue between the parties, but also a reflection on the health of the engagement between EALA and civil society in the region. The Dialogue Committee organizing the meeting will make review of relations between the two bodies to be a permanent agenda of every forum.

Secondly, Civil Society should feedback through EACSOF to its membership in all the five countries. This will make the monitoring process continuous. Finally, the office of the Clerk of EALA and Chief Executive Officer of ECASOF should annually prepare a report on the achievements of the framework and reflections to be shared with EALA and CSOS and also at the Annual Forum.

#### **IV. CONCLUSION AND RECOMMENDATIONS**

This document has detailed elements of an engagement framework between Civil Society and EALA. It underscores the fact that the EAC Treaty provides broad anchorage for a more structured engagement between Civil Society as EALA. Such relationship will be further building blocks for a more consultative EAC and support the requirements of the Treaty for a people-centered integration process.

This framework, once adopted will provide for a more structured process for engagement between EALA and Civil society. The main driving forces for such engagements will be EACSOF and the General Purposes committee. However, it does not close out engagements in EALA affairs by other civil society organizations and professional bodies in EALA affairs. On the contrary it will provide structured engagement platforms which can be used by other entities outside the EACSOF platform.

Political and administrative support will be quintessential for the framework to succeed. The support of the office of the Speaker and clerk are going to be necessary to ensure the framework is adopted and given life through implementation. Towards this end, it is necessary that EACSOF and EALA have formal discussions on the framework with a view to adoption by EALA as the structured basis for engagement with civil society.

Once adopted, EALA General Purpose Committee should lead the process of implementation, by identifying in partnership with EACSOF engagement platforms every year and implementation those identified for the year. In addition yearly evaluation meetings should be held to reflect on progress in the implementation of the framework.

The office of the clerk should take lead in operationalizing the Annual Speakers Civil Society Forum as proposed for consultations between civil society and the Speaker on boarder policy issues. In addition consideration should be given to capturing the engagements with CSOs as stipulated in this framework in the Rules of Procedure of EALA so as to give it greater legal recognition. Over time, EALA should also consider developing and adopting a law on public participation in regional integration.