



**EAST AFRICAN CIVIL SOCIETY
ORGANISATIONS' FORUM**
Strengthening Civil Society in the Integration Processes

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Summary Notes: **Joint Meeting by ActionAid, EACSOE with the EAC Political Affairs Department on issues concerning the Implementation African Charter on Democracy, Elections and Governance (ACDEG).**

Venue: EAC Secretariat Meeting Room

Date: 26 September 2018

Time: 10:00 AM



Participants: David Onen – Principal Political Affairs Officer
Lillian Alex – Programmes Officer EACSOE
Dorte Tietze – Senior Programmes Manager AADK
Buba Khan – Advocacy Coordinator ActionAid
Johannes Chiminya – Regional Governance Advisor AADK
Fredrick Kawooya – Policy and Campaigns Manager AAUg
Mawazo Mataje – Project Officer AATz



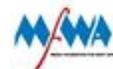


Summary Notes:

The purpose of the visit was highlighted as a courtesy call and a follow-up to the meeting held earlier in the year, in February. As such it was meant to discuss on how to proceed on issues that were discussed in the earlier meeting. Other discussion points for the meeting were included as:

- a. Joint Planning – focusing on when in the remaining months of 2018 or in 2019 the EAC DPA could be available to carry out a joint activity planning to get a common understanding of the EAC, EALA and Partner States;
- b. Understanding the possible entry points for advocacy for ratification, implementation and reporting on the ACDEG in the East African Region as it is a sensitive issue;
- c. Understanding the EAC protocols on Good governance and explore possible linkages and how to harmonise these with the ACDEG asking where more effort would be necessary – on one or both;
- d. Get a clearer understanding of the role of EALA on Partner States;
- e. Getting clarity on whether there is a strategy for monitoring implementation of AU charters as well as at regional level if EAC has strategies for monitoring implementation of its protocols and whether there can be a space for civil society to assist in developing the strategies.

Discussion: From a CSO perspective exists a lot of alternative initiatives. It was noted that the AGA Secretariat has a mandate to monitor implementation of the ACDEG. The AU is the Apex of all African States and apart from harmonization of AU Charters with national laws and instruments, members should implement. It is a realization that the authorities are not doing enough, noting that member states are not that resistant, but not enough engagement is being done with the member states on these issues and hence the limited levels and rates of ratification and implementation. It was highlighted that David Onen is part of the AGA Technical team representing the EAC. Having realized that Togo was the first country to report, the technical team has been reviewing the report which will be validated in October 2018. The technical team is also set to intervene in Rwanda who have highlighted interest in reporting but have limited capacity. The technical team will be going to train the Rwanda Government on how to Report. It was also noted that most countries had signed the ACDEG, as they do other Charters and Protocols, without knowing the contents inside, although some are implementing activities already contained in the charter not knowing it is already in the charter eg. Kenya already implements some provisions even though it has not yet ratified the ACDEG. A well noted challenge is that in almost all countries, there are no clear focal points for the implementation of the ACDEG and hence making it difficult to follow-up.





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It was noted that there is need to formalize relations with the EAC as they have a responsibility to encourage EAC Partner States sign, ratify, implement and report on the ACDEG considering Article 44:2B of the ACDEG. For this to happen, there is need to do the right thing in the right way, following the right procedures. The need to reflect further on how to engage formally with the EAC was agreed.

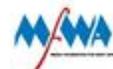
The East Africa Legislative Assembly (EALA) is passionate about governance issues. The EAC DPA reports to the Committee on Regional Affairs which can be a good advocate to lobby but with limited platforms to advocate although they play an oversight role. EALA being the good advocate for governance issues always asks for issues to take forward. EALA has a legislative and an oversight role to play in the EAC.

There are two protocols being developed namely the Protocol on preventing and Combating Corruption as well as the Governance Protocol, whose development process is moving at a very slow pace. The protocol on good governance is neither a duplication nor in conflict with the ACDEG. It is currently in draft form and its development was inspired by the ACDEG. It is meant to harmonise and set common standards at the EAC level. The protocol is however not yet adopted, due to a lot of back-and-forth, since council received the draft in 2012. The biggest contestation is from Tanzania who says there are some articles which they do not agree with. This gives an advocacy target for AAT which could be on calling for the adoption of the protocol at governmental level.

The role of the EAC DPA to coordinate on capacity building especially when there is something new was noted. ACDEG has not had a lot of effort to monitor implementation including signing and ratification. No engagements have been happening around the ACDEG. Making a push at country level including dialogue with the EAC in identifying entry points with governments would bring positive response in the EAC. There is need to call for citizen accountability as all EAC countries that have ratified (South Sudan and Rwanda) are due for reporting as reporting should be done every 2 years. The reporting guidelines are there and are very straight forward. All countries are mandated to report but there should also be focal persons at country level which is not the situation in East Africa.

It must be noted that implementation of a charter begins on its ratification by the partner or member state. Tanzania has not signed the ACDEG but does things unilaterally or bilaterally, but it is however more democratic than other countries that have signed.

There is need to get MPs and EALA Members who can be advocates to dialogue better and make use of them when they convene. It is a good idea to put challenges being faced in implementation of the ACDEG before EALA and they present it to the Council of Ministers (herein after Council) to get it into the communique shared by Heads of States. Given that government works differently, it is ideal that for effective advocacy, there is need to get them in their own spaces rather than trying to bring them into the CSO Space. As such it is ideal that a mapping of government meetings such as the Parliamentary forum in Uganda be done in advance. There is need to help government members understand what it is that we





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want and how they must do it, especially EALA. The narrative has to be right and it should bring forth clear alternatives and how they can and will be achieved.

It was noted that there was already a set plan for youth to meet and submit a petition to the Speaker of EALA on the 17th of November. However, it was proposed that, that should not be the only avenue followed in submitting the petition but that the youth will have to also share their petition with the relevant committees as the committees are powerful given that they give recommendations to the Council of Ministers. A request was made for David to organize a meeting with one of the committees which he committed to do.

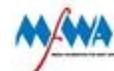
For CSO to organize a side event during the Heads of State Summit, in line with how it is usually done in SADC and West Africa, it was counseled that the organizers of the side event must make progressive arrangements officially known by the conveners of the Main Plenary of the Heads of State Governments. It is recommended that CSO do informal engagements, which must be reinforced by the side event rather than depend solely on the side event as it needs a lot of pre-engagements prior to the summit. The date of the summit was confirmed to be the 28th of November 2018 in Kenya.

To influence the Kenyan government at the summit, CSO must develop a petition and submit to the Kenya Head of State at the summit. The press must be used to publicize the petition. CSO should engage the protocol to get clearance prior to the summit and then follow-up. To carry out an exhibition during the summit also requires prior arrangement with protocol to determine who we want to pass by the gallery. It was advised to prepare two petitions – for Kenya and Tanzania to submit during the summit and then write press statements around it. After submitting the petition, it will now be followed by the process of seeking accountability. The Heads of State and Government Summit is still a closed space and currently undergoing a review process for an observer status. Currently there is no Permanent Representative Committee to lobby for inclusion of ACDEG in agenda of main plenary. However other avenues that can be used include petitioning the summit with specific calls/recommendations, organizing to meet EALA Committee in advance to present and lobby for inclusion of messages in recommendations submitted to the Community, can also liaise with the EALA Clerk who does order papers to get space for meeting committees.

The role of EALA is to play oversight over the Council of Ministers. EALA has no direct influence on what happens within Partner States but can legislate on what can be done at country level by the Community. Too much power is vested on the summit but on governance issues, committees in EALA have a strong role to play, as well as the EAC Secretary General's Forum whereby if an issue reaches the agenda of the forum it will reach the Council of Ministers: Therefore, the idea is to influence Reports of EALA Committees and the EAC Secretary General's Forum so as to influence the Recommendations to the Council of Ministers, which input to the recommendations of the Heads of State Summit. Plus, it was noted that the recently elected chair of the EAC Secretary General's Forum is EACSO and hence has more power to influence the agenda. The Good Governance Conference, which is no longer exclusive as CSO participates,



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whose report also goes to the Council of Ministers and is planned for November although not yet fully funded was noted to be a potential platform to influence as well to get impact.

Way Forward:

- a. Determine how to officially formalize relations with EAC
- b. Dialogue with EAC to determine entry points at Partner Government level
- c. Identification of MPs at country level and EALA Representatives to advocate for ACDEG implementation
- d. Mapping of timing for Government Meetings to influence
- e. Meeting with EALA Committee responsible for Regional Affairs and Conflict Resolution which David highlighted he can try organize that meeting given our flexibility as the session where ending the coming week.
- f. Target EALA Session and Summits

