



Summary Notes: ActionAid and EACSOF meeting with the EALA Committee on Regional Affairs and Conflict Resolution on the support of African Governance Architecture (AGA) and African Charter on Democracy, Elections and Governance (ACDEG)

Venue: EAC Secretariat Meeting Room

Date: 27 September 2018

Time: 12:08PM

Participants: 10 Members of the EALA Parliament

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|------------------------------------|-------------|
| 1. Hon. Victor Burikukiye | Chairperson |
| 2. Hon. Leontine Nzeyimana | Member |
| 3. Hon. Jean Marie Muhirwa | Member |
| 4. Hon. Rose Akol Okullu | Member |
| 5. Hon. George Stephen Odongo | Member |
| 6. Hon. Pierre - Celestin Rwigema | Member |
| 7. Hon. Dr. Oginga Oburu | Member |
| 8. Hon. Dr. Makame Abdullah Hasnuu | Member |
| 9. Hon. Simon Nganga Mbugua | Member |
| 10. Hon. Gideon Gatpan Thoar | Member |
| 11. Hon. Gabriel Alaak Garang | |

MR. DAVID ONEN - EAC DPA Principal Officer

Lillian Alex – Programmes Officer EACSOF

Dorte Tietze – Senior Programmes Manager AADK

Buba Khan – Advocacy Coordinator ActionAid

Johannes Chiminya – Regional Governance Advisor AADK

Fredrick Kawooya – Policy and Campaigns Manager AAUG

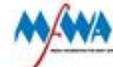
Mawazo Mataje – Project Officer AATz





Summary Notes:

As a follow-up to the meeting with David Onen, the EAC Principal Political Affairs Officer, he kept his promise and organized that we meet with the EALA Committee on Regional Affairs and Conflict Resolution. After quick introductions, the Chairperson highlighted that they were pressed with time as they had another already scheduled engagement and hence could only spare a maximum of 10 minutes for our presentation and submission. As such, AA Uganda, being the head of the delegation made the presentation of the position paper (in attachment). After that, few additions were made by the Advocacy Coordinator which included that our project had developed training manuals and material to capacity build state and non-state actors for monitoring implementation of AU instruments, specifically the ACDGE. It was also highlighted that there are regular engagements ongoing at both National and at AU levels. In conclusion he highlighted that a lot is and has been happening although there are many challenges, which however, can be dealt with by fully implementing the ACDEG. David further highlighted that according to Article 44 of the ACDEG, it is the responsibility of RECs to encourage member states to implement the charter. He also highlighted that the EAC is working towards helping Rwanda who have highlighted that they want to report and as such a technical team will be visiting Rwanda Governance Board to capacity build them to be able to report.





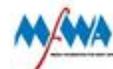
The chair highlighted that they had noted the concerns and wishes in the position shared and hinted that there is need to be always in touch for further interaction and cooperation. The Kenyan representative asked the reason as to why Kenya had not yet ratified the charter, asking who as well is it that is supposed to ratify it, sharing that he was interested in it and is prepared to help make inroads for the charter to be ratified. In response, it was noted that the challenge is mainly on lack of awareness among state actors with some authorities not even aware of the existence of such a charter. It was highlighted that even for it to be signed, an AU Official just met the president and informed him about the charter and its importance and he signed it immediately. It was noted that usually, in most countries, the ministry of foreign affairs has all the information but those who are supposed to act on it do not have the information and sometime are not even aware. This is exacerbated by that the level of reaching out is very low, but discussions have been ongoing with Members of Parliament and government officials but the onus to ratify rests with the foreign affairs ministry and the attorney general's office. The legal counsel of the AU cannot reach out to the countries without being officially invited to do so by the countries themselves. On our side, we have been having bi-annual engagements with the Permanent Representatives Council and at national level with ministries of foreign affairs.

Other questions raised included on what the rule of engagement in all this was. In response to this, it was noted that all stakeholders involved were being targeted. The approach used is a multi-faceted approach where some are targeted for interface and to give guidance while the EAC and EALA were targeted in line with Articles 44 and 45 of the ACDEG. The country context was noted to be differing with respect to where the focal person is stationed and that this was not prescriptive as it depended on the structure of each country. However, the need for focal persons was emphasized as it would improve coordination.

Asked whether there was any study undertaken in EAC, the response was that citizen awareness activities were ongoing, together with EAC, on understanding the EAC. A study giving percentages has not been done but initiatives are ongoing.

Given that the chairperson really had to leave, a motion was put that there were others quite interested in the discussion who had no other commitment until after lunch, therefore subject to that we had the time, some MPs of EALA requested that we continue discussing and those with commitments could leave, which was gladly accepted by the team. MP representatives from Kenya, Uganda and Tanzania remained to continue the discussion with us.

It was highlighted that there is a dual ratification system within EALA, that is Automatic ratification – once a charter is signed it is automatically ratified, and the Parliamentary Ratification whereby after signing, the charter must undergo parliamentary scrutiny before ratification. It was noted that Kenya, Uganda and Tanzania all follow the Parliamentary Ratification System. It was note that a series of activities are ongoing in Uganda, having made interactions with the Ministry of Foreign Affairs, Parliamentary Committees, twice met the speaker of parliament who showed commitment to ratifying the ACDEG. However, the main barrier to quicker ratification was noted to be that of prioritization as there were many bill and issues



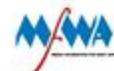


being discussed in Parliament. Thus, there is need to identify champions within government and parliament to follow up and push the issue to high priority and hence the need for focal persons was emphasized. A proposal on Uganda was made as to organizing a meeting with regional parliamentarians and members of the Pan-African Parliament to put pressure on Ministry of Foreign Affairs to come up with position towards ratification – this would entail coming up with well defined timelines for the ratification and implementation of the charter. The timing for that has also to be proper – for example would not work now given the current hot political environment.

In Kenya, it was noted that the Speaker of Parliament in Kenya, and generally all countries, is usually very busy – can give audience but due to many demands may end up not taking the discussions forward. The ideal would be to go through committee chairs where you need to send an official letter. Funds permitting, it would work well if you can finance a 1-day conference to raise awareness on the issue. The ideal is never to move with the Speaker but with the committee chairs as they have the support base to push the agenda forward. The information gap on ACDEG was noted with various organs and government officers. The AUC was noted to have a support mechanism for reporting but depends on the country to invite them to do so. Currently the only country that has reported is Tog and it is highly likely the second one will be Rwanda. As EALA it is hoped that they press governments to request the support of the AUC. For proper engagement in Kenya, the timing has also to be good.

It was proposed by the EALA members that there should be a House Committee presentation at the next plenary. It was proposed that a morning session with members to discuss what it is about, it's significance etc. The EALA members noted that this issue is a software element to sustain any democratic development in the partner countries. The presentation should also clearly ask the EALA Members to push their countries to sign, ratify and take forward the ACDEG. From that, the committee can then deliberate on it and bring it as a motion for scrutiny in the EALA Parliament. The onus was put on David Onen and the EAC Commission to integrate and influence in the agenda of the next plenary in Zanzibar.

It was highlighted that in March and April 2018 consultations were made with the Ministry of foreign affairs. However, it was noted that some articles in the charter were against the constitutional provisions e.g. on Challenging Presidential results, Private candidates etc. As such the country cannot even sign ACDEG unless they determine whether to do so by consulting. To amend the constitution would be necessary but the president has highlighted that it is currently not a priority although it can be done. Awareness of the ACDEG is a great challenge especially with State Actors with only a few in the Foreign Affairs ministry knowing about it but actors in the ministries of home affairs and justice ministry were not at all aware even though they will be the one mandated to implement once it is passed. In the country, it is noteworthy that whatever is inconsistent with the constitution is invalid. There is need to amplify the voice on ACDEG to give it urgency. However, it was highlighted that the amendment of the constitution is too time consuming and is done in three steps and the amendment has been done but reached a stalemate with regards to contesting election results and private candidates and hence goes back to their





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first step or the second step. It was further coined that during the presentation in Zanzibar presenter should take members through article by article and that the challenge with the ACDEG is that it doesn't provide for partial ratification which has stalled its progress in Tanzania.

Challenges on implementation of charters and protocols was said to be universal with legislation at EAC level moving faster than Partner Countries and hence most protocols have not yet been ratified by the Partner states. This is mainly due to that the structure of government is not that fast and institutions are not yet mature. The other challenge is that some may not have even seen the charters or legislation. Currently EALA is following up on why some EAC Legislation is not being implemented by countries. Thus, there is need to keep governments aware given that there are always competing priorities

Way Forward:

- a. Follow-up with David Onen to confirm appointment to present position at the next EALA session in Zanzibar
- b. EACSOF to keep engaging the EALA Speaker, Kenya chapter to see possible ways to engage the government of Kenya into ratifying the ACDEG.



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