



## EAST AFRICAN COMMUNITY

### **MEETING OF THE HIGH LEVEL TASK FORCE (HLTF) TO NEGOTIATE THE EAST AFRICAN COMMUNITY COMMON MARKET PROTOCOL**

Grand Regency Hotel, Nairobi, Kenya  
16th – 23rd August 2008

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#### REPORT OF THE MEETING

#### 1.0 OPENING

##### 1.1 Introduction

The meeting was convened in accordance with the Program of Work of the High Level Task Force (HLTF) for the period July – December 2008. The meeting was attended by members of the HLTF from all the Partner States. A list of delegates is hereto attached as *Annex I*.

## **1.2 Bureau**

Rwanda was elected Chairperson and Mr. Safari Innocent, Head of Service Delivery and Support Division, Customs, Rwanda Revenue Authority, chaired the meeting. Tanzania was elected Rapporteur and Ms. Grace Naburi, Principal Education Officer, Ministry of Education and Vocational Training acted in that capacity.

## **1.3 Agenda**

The draft agenda was adopted with amendments and is hereto attached as ***Annex II.***

## **1.4 Statement by Deputy Secretary General (P&P)**

On behalf of the Secretary General and on his own behalf, Amb. Julius Onen, the Deputy Secretary General (Projects and Programmes) welcomed the delegates to Nairobi, Kenya for the third meeting of the HLTF to negotiate the EAC Common Market Protocol. He informed members of the HLTF that the date for finalising negotiations on the EAC Common Market Protocol remains December 2008.

The full statement of Amb. Onen is hereto attached as ***Annex III.***

## **1.5 Official Opening Statement by the Assistant Minister of EAC of Kenya**

The meeting of the HLTF was officially opened by Hon. Peter Munya, the Assistant Minister for East African Community of the Republic of Kenya. In his statement, the Assistant Minister welcomed the members of the HLTF to Kenya and wished them

fruitful deliberations and an enjoyable stay in Nairobi. He reminded members of the HLTF of the Summit directive for the HLTF to move expeditiously towards concluding an EAC Common Market Protocol by December 2008. Hon. Munya called upon members of the HLTF to adopt a positive attitude and negotiate in the spirit of give and take. The full statement of Hon. Peter Munya is hereto attached as *Annex IV*.

## 2.0 SCHEDULE OF MEETINGS FOR THE PERIOD AUGUST – DECEMBER 2008.

The meeting considered and agreed on a schedule of meetings for the period August – December 2008 which is hereto attached as *Annex V*.

The meeting also agreed on the need for national consultations on the Protocol with key stakeholders. Country Coordinators will work closely with the Secretariat to arrange stakeholders' workshops.

The meeting also noted the need for dedicated workshops for capacity building for members of the HLTF. The Secretariat reported that the next dedicated workshop will take place in Bujumbura, Burundi from 18<sup>th</sup> – 19<sup>th</sup> September 2008 on Services, Competition and Transport Policy.

### **Recommendation**

The HLTF recommends to the Coordination Committee to take note of the Schedule of Meetings attached hereto as *Annex V*.

### **3.0 CONSIDERATION OF COMMENTS FROM TANZANIA ON THE LAST REPORT OF THE HLTF.**

The meeting considered comments from Tanzania on the last report of the HLTF and reached consensus on the following:

- (i) A fund for compensatory purposes could be considered during the negotiations of the EAC Common Market Protocol. On this issue, Secretariat informed the meeting that work was ongoing to finalise a protocol to establish an EAC Development Fund.
- (ii) Definitions and interpretations of terms in the EAC Common Market Protocol will be considered at a later stage.
- (iii) There is need to define an EAC citizen
- (iv) There is need to insert a clause in the protocol on Most Favoured Nation (MFN) and national treatment.
- (v) There is need for an omnibus clause in the Protocol on safeguard measures.
- (vi) There is need for a study to evaluate the EAC Customs Union. On this issue, Secretariat informed the meeting that the East Africa Business Council (EABC) had undertaken a study in this area. The Secretariat is also in the process of commissioning another study on the impact assessment on the EAC Customs Union whose report is expected by December 2008. The meeting urged the Secretariat to have the report finalised by November 2008.
- (vii) Articles agreed upon by the HLTF may be revisited at its subsequent meetings before adoption by the Council but only in cases of additional expert knowledge and information.

- (viii) Mutual recognition of academic and professional qualifications should be a transitional measure before Partner States harmonise the curricula.
- (ix) That the Foreign Affairs Committee is undertaking work on the issue of enabling EAC citizens to access diplomatic protection in third countries in which some Partner States may not be represented.
- (x) The Protocol should have articles on SPS, TBT, agriculture and industrialisation.
- (xi) The Protocol should have a clause on respect for gender, human rights, good governance and rule of law.
- (xii) Article 8 of the Protocol should have a provision for the Council to adopt a general program for abolishing of existing restrictions on the free movement of workers in the Community.
- (xiii) Secretariat in collaboration with Partner States shall undertake manpower/employment studies.

The meeting also reached consensus on a number of specific comments from Tanzania and accordingly reflected them in Draft I of the EAC Common Market Protocol attached hereto as *Annex VI*.

However consensus was not reached on Articles 7(3)c, 7(5), and 7(6) and will be considered in at the next meeting of the HLTF scheduled for 20<sup>th</sup> – 27<sup>th</sup> September 2008 in Bujumbura, Burundi.

## **Recommendation**

The HLTF recommends to the Coordination Committee to take note of the amendments reflected in Draft I attached hereto as *Annex VI*.

#### 4.0 CONSIDERATION OF THE RIGHT OF ESTABLISHMENT.

The meeting considered the provisions in the model Protocol that will govern the Right of Establishment within the EAC Common Market as indicated in Draft I attached hereto as *Annex VI*. Consensus was reached on some issues while others were bracketed as indicated in the draft Protocol and will be considered at the next meeting of the HLTF scheduled for 20<sup>th</sup> – 27<sup>th</sup> September 2008 in Bujumbura, Burundi.

##### **Recommendation**

The HLTF recommends to the Coordination Committee to take note of the progress made.

#### 5.0 CONSIDERATION OF THE RIGHT OF RESIDENCE.

The meeting noted the draft provisions on the Right of Residence developed by a sub-committee of the HLTF. However due to time limitations, the meeting could not deliberate on them and substantive discussions will take place at the next meeting of the HLTF scheduled for 20<sup>th</sup> – 27<sup>th</sup> September 2008 in Bujumbura, Burundi.

##### **Recommendation**

The HLTF recommends to the Coordination Committee to take note of the progress made.

#### 6.0 CONSIDERATION OF THE FREE MOVEMENT OF SERVICES.

Due to time limitations, the meeting was not able to handle this agenda item but agreed to consider it at the next meeting of the HLTF scheduled for 20<sup>th</sup> – 27<sup>th</sup> September 2008 in Bujumbura, Burundi.

#### 7.0 CONSIDERATION OF THE FREE MOVEMENT OF CAPITAL.

The meeting considered and agreed on the provisions in the draft Protocol that will govern the free movement of capital within the EAC Common Market as indicated in the 1<sup>st</sup> draft Protocol attached hereto as *Annex VI*.

#### Recommendation

The HLTF recommends to the Coordination Committee to consider and adopt the provisions that will govern the free movement of capital within the EAC Common Market as indicated in Draft I attached hereto as *Annex VI*.

#### 8.0 AGENDA ITEMS FOR THE NEXT MEETING

The HLTF agreed to handle the following items at its next meeting scheduled for 20<sup>th</sup> to 27<sup>th</sup> September 2008 in Bujumbura, Burundi:

- (i) Outstanding issues on:

- (a) Tanzania's comments;
- (b) Right of Establishment;
- (ii) Consideration of sub-committee report on the Right of Residence;
- (iii) Free movement of Services; and
- (iv) Transport Policy.

## **9.0 ANY OTHER BUSINESS**

### **9.1 EATUC Proposals to the HLTF**

The meeting received a proposal from the East African Trade Union Confederation (EATUC) on free movement of persons, labour, services, right of establishment and residence in East Africa. The HLTF noted the proposals by EATUC which will form a valuable input to the negotiations.

### **9.2 Logistic Arrangements**

The meeting observed that logistical arrangements for the HLTF meetings should be improved and recommended the following:

- (i) The plenary room should be large enough and consultations rooms should be provided throughout the meetings.
- (ii) The per diem rate is low compared to EAC Secretariat and Partner States rates. The issue of review of per diem rates should be tabled at the next meeting of the Finance and Administration Committee.

- (iii) The Secretariat is also requested to consider increasing the number of facilitated delegates from 11 to 15 per Partner State. The meeting noted that the Council had already decided to increase the number of delegates to 12 to take care of the transport sector but this had not been effected by the Secretariat.
- (iv) The Secretariat is also requested to pay out the per diem on the first day of the meeting.

### **9.3 Negative Press Reports on The United Republic of Tanzania**

On a number of occasions, there have been negative press reports to the effect that The United Republic of Tanzania is not committed to negotiate the EAC Common Market Protocol.

The United Republic of Tanzania assured the HLTF that contrary to press reports she is committed to negotiate and implement the Common Market Protocol.

The meeting ended at 1430 hrs on Saturday 23<sup>rd</sup> August 2008.

SIGNED this 23<sup>rd</sup> day of August 2008, by the respective Heads of delegations of Partner States as hereunder.

.....  
**Mr. Prudence Sebahizi**  
Rwanda Regional  
Integration  
Committee  
**The Republic of  
RWANDA**

.....  
**Mr. Uledi A. Mussa**  
Ministry of East  
African Cooperation  
**The United Republic  
of TANZANIA**

.....  
**Mr. Pascal Girukwishaka**  
Burundi Coffee  
Board  
**Republic of  
BURUNDI**

.....  
**Mrs. Edith Kateme-Kasajja**  
Ministry of East  
African  
Community Affairs  
**Republic of  
UGANDA**

.....  
**Mr. Joseph N. Kosure**  
Office of Deputy  
Prime Minister  
and Ministry of  
Trade  
**Republic of  
KENYA**