

EAST AFRICAN COMMUNITY
2ND EAC ANNUAL CONFERENCE ON PROMOTION OF GOOD GOVERNANCE
19TH – 20TH AUGUST, 2010
HILTON HOTEL, NAIROBI – KENYA

Introduction

1. The 2nd EAC Conference on Good Governance took place on 19th - 20th August, 2010 at the Hilton Hotel, Nairobi, Kenya. The theme of the Conference was “**Good Governance for Sustainable Integration, Stability and Development**”. The Conference sought to build on the gains made from the 1st Conference which was held in January, 2009 at Kunduchi Beach Hotel in Dar es Salaam.

Attendance

2. The Conference was opened by Hon. Mutula Kilonzo, the Minister for Justice, National Cohesion and Constitutional Affairs, Kenya. The Opening Session was addressed by Hon. Prof. Hellen Sambili, Minister for EAC Affairs, Kenya and Hon. Dr Diodorus Kamala, Minister for EAC Affairs and Chairperson of the EAC Council of Ministers. It was attended by Hon. Eriya Kategaya, 1ST Deputy Prime Minister and Minister for EAC Affairs, Republic of Uganda; Hon Amason Jeffah Kingi, Minister for Fisheries Development (and former Minister, EAC Affairs) Kenya; Hon. Guillaume A. Bunyoni, Minister for Public Security, Republic of Burundi; Hon. Sam Kutesa, Minister for Foreign Affairs, Republic of Uganda; Hon. Crispus Kiyonga, Minister for Defence Republic of Uganda; Hon. Mathias Chikawe, Minister for Justice and Constitutional Affairs, United Republic of Tanzania; Hon. Germaine Niyoyankana, Minister for Defence and War Veterans, Republic of Burundi; Hon. Augustin Nsanze, Minister for External Relations and International Cooperation, Republic of Burundi; Hon Mohammed Yusuf Haji, Minister for Defence, Republic of Kenya and Hon. Freddie Ruhindi, Deputy Attorney General and Minister of Justice and Constitutional Affairs. The Conference was also attended by Hon. Justice Augustino S.L Ramadhani, Chief Justice, United Republic of Tanzania; Hon. Justice Bart Katureebe, on behalf of the Chief Justice, Republic of Uganda; Hon Justice Harold Nsekela, Judge President, East African Court of Justice; Hon Beatrice Kiraso, Deputy Secretary General, EAC Secretariat; Judges from East African Court Justice and the National Courts of Judicature, Permanent Secretaries from the EAC

Partner States, Members of the East African Legislative Assembly and National Parliaments, Heads of National Electoral Commissions, Anti-corruption agencies/Ombudsman, Human Rights Commissions, representatives from international and regional organizations and civil society organizations, senior officials from Partner States' Ministries and departments and staff of the EAC Secretariat. The List of participants is attached.

3. The objectives of the Conference were:-

- a) To enhance cross sectoral political dialogue among institutions responsible for promoting good governance in the region;
 - b) To create synergy between national, regional and international organizations on strategies towards improving governance in the EAC integration; and
 - c) To build networks and partnerships harnessing diversity as well as complementarity in the mandate of various like m indeed organizations.
4. The following presentations by experts were made and discussed at plenary.

- a) Strengthening Administration of Justice and upholding the rule of law in East Africa: Challenges and Opportunities;
- b) Promotion and Protection of Human Rights as precondition for Good Governance;
- c) Good Governance is a pre-requisite for development and successful integration. Examining the relationship between corruption and development;
- d) Upholding Democracy in democratic processes, regular and transparent elections are the anchor to good governance;
- e) Good Governance and its relationship to regional peace and stability;
- f) The place of the of Media in promoting Good Governance; and
- g) A highlight of programmes on promoting Good Governance by the UN and the relevance to the EAC integration.

The presentations underlined the fact that the principles of democracy, observance of human rights, transparency, accountability, popular participation, regular free and fair elections, peaceful resolution of conflicts, poverty eradication, strengthening of institutions, legal frameworks and empowering the people, underpin good governance. It was also agreed that good governance is a prerequisite for the EAC integration.

RESOLUTIONS OF THE CONFERENCE

WE, Participants at the 2nd EAC Annual Conference on Promotion of Good Governance held at Hilton, Nairobi Kenya on 19th - 20th August, 2010 after deliberation on the respective thematic areas of the Conference, make and adopt the following resolutions and recommendations:—

1. Noted and appreciated the progress made so far in the implementation of its resolutions and recommendations of the 1st EAC Conference on the Promotion of Good Governance held in Kunduchi Beach Hotel and Resort, in the United Republic of Tanzania, including that the Conference be made an annual event.
2. Noted that good governance is not high on the scale of government priorities judging from the budgetary allocations. There is need to expedite conclusion of the protocol on good governance with emphasis on entrenching provisions that promote popular participation and people centredness in governance issues.
3. Appreciated the need to benchmark good democratic governance beyond the holding of free and regular elections. This includes initiating and implementing strategies to promote accountability of the leaders towards their constituents.
4. Observed that the momentum towards conclusion of regional legal instruments is not good enough as to propel integration process. In this regard, the EAC should develop and adopt best practices including reforming institutions and reviewing legal frameworks at national level to conform to regional integration imperatives.
5. Noted that administration and delivery of justice in the Partner States is hampered by financial, manpower and other related challenges. In addition to addressing financial constraints, there is need to:
 - a) address manpower constraints among all players in the system of administration of justice through capacity building and skills enhancement for judges, magistrates, prosecutors, police and law enforcement personnel;
 - b) enhance public awareness and participation on legal procedures and standards; and

c) adopt measures to promote inter agency cooperation in administration of justice noting that many actors are involved in the justice processes.

6. Observed that there is a growing tendency to glorify corruption in society. There is need to sensitize the people on the ills and costs of corruption to their well being. In addition, legal instruments for recovery and forfeiture of ill gotten wealth should be developed and effectively implemented. Alternatives to prosecution should be explored including exposure, plea bargaining and voluntary surrender of the proceeds from corruption.
7. Appreciated the need to operationalise the expanded jurisdiction of the East African Court of Justice which includes human rights and appellate jurisdiction by finalizing the ongoing Partner States consultation on the Protocol to Operationalise the Extended Jurisdiction of the EACJ. In the interim, there is need to strengthen the EACJ by facilitating the Judge President to be resident in Arusha in order to expedite matters of administration of justice.
8. Observed that while elections are a source of people's ultimate sovereignty, there is an increasing reliance on external support to finance electoral processes. There is need for the Partner States to increasingly assume responsibility of funding electoral processes from internal resources.
9. Observed that multiparty democracy should be looked at in the context of cross-pollination of ideas to promote development and political integration. Therefore, political competition should not be adversarial and power sharing should not be looked at as a weakness, rather, a strategic transformation approach towards addressing development challenges. However, power sharing should aim at providing a transitional relief for social tensions in the build up towards consolidating democracy. To this end, EAC Secretariat should develop strategies and programmes aimed at bringing together political parties in order to build mutual tolerance even where there are fundamental differences, agree on regional codes of conduct and enhance their capacity in upholding democratic principles.
10. Observed that the biggest source of conflict is sharing of scarce resources and that much time has been spent on sharing rather than increasing the resource base. There is need to promote regional programmes that have a multiplier effect on increasing the resource base and economically empowering the people.

11. Noted that in as much as media is significant in promoting good governance, social cohesion and harmony, it can also be used to undermine peace and stability. It was further noted that the media is faced with challenges of capacity and their contribution on matters of promoting good governance in particular and integration in general is not adequate.
12. Recommended that East African Community through the Secretariat should have a deliberate programme with attendant resources to facilitate net working with other Organizations that specialize in research on governance or/and those with experience of implementing successful governance activities.
13. Recommended that in order to promote political debate and dialogue, there is need for the EAC to commission research and publication of short, precise, policy papers targeting the key actors in the governance sectors to guide policy formulation and implementation in all areas of governance and development.
14. Recommended that the EAC Secretariat should convene dissemination workshops targeting key policy makers and implementers to create awareness and mobilize allies in the state and civil society organizations (CSOs) for both implementation and monitoring of good governance programmes.
15. Recommended the need to develop and implement regional mechanisms that guide development of a media that is responsible, responsive, professional and accountable. This should however, not compromise the role of the media as a watchdog institution in promoting good governance.

It was recommended that the resolutions of this Conference should be incorporated in the ongoing EAC programmes towards promoting good governance.

The Conference was closed by the Minister for Foreign Affairs, Republic of Uganda, Hon. Sam Kutesa.

Dated this 20th August 2010 in Nairobi – Kenya