

The East African Community Common Market Protocol for Movement of Labour

Achievements and Challenges of Implementation of the Protocol

Conference Report

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INTRODUCTION

1.1 Background

The EAC partner states entered into a Common Market Protocol (CMP) in November 2009. The CMP became effective in July 2010. The overall objective of the Common Market is to widen and deepen cooperation among the partner states in the economic and social fields. This was to be realized through removal of restrictions on the movement of goods, persons, labour, services and capital, and the rights of establishment and residence.

Article 10 of the CMP guarantees the free movement, within the region, of workers who are the citizens of the member states. It entitles a worker to apply for employment and accept offers of employment actually made; move freely within the territories of the partner states for the purpose of employment; and conclude contracts and take up employment in accordance with the contracts, national laws and administrative actions. It also guarantees the worker to stay in the territory of a partner state for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that partner state; enjoy the freedom of association and collective bargaining for better working conditions in accordance with the national laws of the host partner state; and enjoy the rights and benefits of social security as accorded to the workers of the host partner state. Article 10 of the CMP also requires the partner states to ensure that workers do not face discrimination in employment, remuneration and other conditions of work because of their citizenship.

The EAC member states also committed, in Article 11 of the CMP, to mutually recognize academic and professional qualifications granted by the member states. In this context, the member states were to harmonize their curricula, examinations, standards, certification and accreditation of educational and training institutions. Article 12 of the CMP envisaged the EAC member states to harmonize their labour and employment policies, national laws and programmes so as to facilitate the free movement of labour across the region. This commitment extends to national social security policies, laws and systems in the region. Further, Article 39 of the Protocol obliges the member countries to coordinate and harmonize their social policies so as to promote and protect decent work and improve standards of living of the citizens.

As part of the framework for cooperation, the member states committed, in Article 5 of the CMP, to ease cross-border movement of persons and eventually adopt an integrated border management system. They were also to remove restrictions on the movement of labour, harmonize labour policies, programmes, legislations, social services, provide for social security benefits and establish common standards and measures for association of workers and employers. The member states were also to establish employment promotion centres and eventually adopt a common employment policy. Further, the member states were to facilitate the right of residence of the citizens of the EAC.

It is a well known fact, however, that domesticating the CMP with respect to the freedom of movement of labour is faced by obstacles that have hampered the evolution of a regional market. According to recent findings of the World Bank, the sub-region would greatly benefit from unfettered trans-border flow of labour. It allows for a more efficient allocation of skills which are relatively scarce in some member countries, and at the same time mop up provide

employment to idle skill resources in other countries. Integrating labour markets poses huge technical-administrative challenges, e.g. the harmonization of employment categories and the mutual recognition of vocational certificates. Furthermore, there may be reservations as member countries assess chances and threads of a sub-regional labour market differently. Within individual countries resistance to change may emanate from interest groups which are keen to fence off competition by neighbours in a single market. On the other side, Ruanda and Kenya have realised the advantages and quickly opened their labour markets on a bilateral base, and seem to enjoy a win-win-situation.

1.2 Objectives of the Conference

The objective of the conference was to:

- (i) Assess the progress made in domestication of the East African Community Common Market Protocol on free movement of persons, workers and right of residence
- (ii) Identify the main technical and policy challenges of implementation of the East African Community Common Market Protocol on free movement of persons, workers and right of residence
- (iii) Share experiences on the country-specific challenges in implementation of the Protocol

1.3 Methodology

The Friedrich-Ebert-Stiftung (FES) commissioned country studies to provide background information. The country studies focused on the progress made in respect to domestication and implementation of the East African Community Common Market Protocol. The country studies sought to:

- (i) analyse the extent to which the various provisions of the Common Market regulations on free movement of persons, workers and right of residence have been domesticated (translated into national legislation) by the member states;
- (ii) assess the status of implementation of the Common Market regulations on free movement of persons, workers and the right of residence by the EAC member states;
- (iii) establish how the non-domestication and/or implementation of the regulations, if any, have impacted on the free movement of persons, workers and the right of residence across the region;
- (iv) highlight the potential benefits or losses for the national economy of opening the labour markets in the light of skill scarcities and needs of the respective EAC member state;
- (v) identify the actual and/or potential impediments to domestication and/or implementation of the regulations on free movement of persons, workers and the right of residence, both technical and political;
- (vi) Identify the areas of the Common Market Regulations on free movement of persons, workers and right of residence that need to be prioritized for

domestication and implementation, and discuss solutions to the current slow implementation of the CMP.

The country papers were then presented in the conference and interrogated by subject experts, economic advisors and political decision-makers.

1.4 Participants

The conference participants were mainly drawn from East Africa. The countries represented were Kenya, Uganda, Tanzania and Rwanda. Though Burundi was not represented, its country position paper was done and presented. The conference was graced by the Permanent Secretary, Ministry of East African Community.

KEY NOTE ADDRESS AND BACKGROUND PAPERS

2.1 Keynote Address: Freedom of Movement and Regional Integration in East Africa

The Permanent Secretary, in his address, noted the relevance of the conference theme to Kenya. It was observed that the EAC Common Market Protocol is a priority area of policy and institutional concern for the Partner States of the EAC. The Permanent Secretary noted that Kenya has made a number of strides towards actualization of the aspirations of the CMP. These included facilitation of movement of persons within the territories of the Partner States, opening and operationalization of seven border posts on a 24-hour basis, establishment of integrated border management systems and amendment of national laws and regulations to ensure non-discrimination of the citizens of the Partner States.

Others milestones are advanced progress towards issuance of common identification documents, establishment of modalities towards harmonization of labour and employment policies, and mutual recognition of academic and professional qualifications. The challenges that faces deepening of the CMP is inadequate preparedness by the national implementing agencies, low levels of awareness on the part of the public and non conclusion of coordination mechanisms for social security schemes. Lack of existing mechanisms to implement the use of national identification systems as travel documents was also identified as critical.

2.2 Relevance of Regional Labour Market for Growth and Employment in EAC

International economic integration has grown in importance. The EAC is one such new effort towards integration. The EAC seeks to spur economic growth and development. This is to be realized through trade and competitiveness. This makes labour and employment sector to be a critical component of the integration progress as attainment of regional competitiveness depends on efficiency equity of the labour market.

The dynamics of the EAC labour market shows lower labour force participation rates for the youth. The EAC also manifests male-female gap in labour force participation rates in favour of the males. The typology is: youth (2.1%); 25-34 (6.9%); 35-54(5%); 55-64(9.8%) and 65+(19.2%). At country levels, gender gap is 1.6 per cent in favour of males in Burundi, 2 per cent for Rwanda, 7.6 per cent for Tanzania, 13.2 per cent for Uganda and 17.3 for Kenya. The policy challenge is how to promote equal participation of male and female in the labour market. This is necessary to address perceived and/or real inequalities in the labour market.

The EAC labour market also presents a labour market with relatively high levels of labour force inactivity rates. The inactivity rates represent working age population that is outside the labour market. They are neither working, unemployed nor actively looking for work. As of 2008, the EAC had a labour force inactivity rate of 13.7 per cent. The country specific figures were 18.3 per cent for Kenya, 15.4 per cent for Rwanda, 14.3 per cent for Uganda, 10.4 per cent for Burundi, 10.1 per cent for Tanzania. The policy challenge is how to promote effective coordination of employment services, matching of skills, addressing youth bulge and youth unemployment so as to reduce the inactivity rates and the resultant negative effects.

Majority of EAC employment is in agriculture. As of 2008, agriculture accounted for 90.1 per cent of the employment in Rwanda. This was compared to 74.7 per cent for Tanzania, 68.7 per cent for Uganda and 17 per cent for Kenya. The service industry explained much of the employment in Kenya at 63.7 percent. Industry explained 19.3 per cent of employment in Kenya. The implication is that the EAC employment sectors are not in synch.

The EAC countries premise employment on GDP growth. The region’s employment elasticity ranged between 0.3 and 0.4 in the period 1992-2008. Specifically, Burundi’s employment elasticity ranged between -0.15 and 1.18 while that of Kenya was between 0.5 and 1.28. Uganda had an employment elasticity of 0.34-0.54 with that of Tanzania being 0.23-1.04. Though there is no universally accepted benchmark for elasticity, the ILO contends that elasticities in LDCs should be 0.7 until they attain upper-middle income status. However, employment elasticity for most EAC countries has been low and declining. This means that the countries require phenomenal growth for realize significant growth in employment.

Effective and beneficial integration is hinged on existence of timely and reliable labour market data. However, there is dearth of labour market data in EAC. None of the EAC has finalized their national manpower surveys. The implication is that the region lacks data on stock of skills, characteristics, distribution, and skill supply and demand. This limits development of labour market search, job matching and employment. The lack of up to date labour market data also inhibits development of a regional Occupational Classification of Standards.

2.3 Common Market Protocol’s Stipulations on Free Movement of Labour

The CMP is established under Article 76 of the EAC Treaty. It provides for the free movement of labour, goods, services and the right of establishment. The CMP became effective in July 2010. The schedule on the free movement of labour in terms of the major occupational groups and implementation dates is as provided in the Table.

Major group of workers	Partner State	Implementation date
Administrators and Managers	Kenya and Uganda; Burundi, Rwanda, and Tanzania	2010; This group is not in their schedule
Professionals	Kenya, Rwanda, and Uganda; Tanzania	2010; 2010-2015
Technicians and Associate Professionals	Burundi, Kenya, and Rwanda; Tanzania; Uganda	2010; 2012; This group not in its schedule

Craft and related trades workers	Kenya and Uganda; Burundi, Rwanda, and Tanzania	2010; This group is not in their schedule
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The CMP guarantees the free movement of workers who are citizens of the Partner States. However, Annex II of the Protocol only permits the free movement of highly skilled workers. This does not reflect the spirit of Articles 76 and 104 of the EAC Treaty that guarantee the free movement of workers without any exception. Overall, the CMP seeks to promote competitive regional labour market, transfer of skills and resource sharing. Others are to make the EAC an attractive investment destination, increase global competitiveness and reduce flight of skills.

2.4 Reaping the Benefits of Regional Labour Market Integration

The coming into force of the CMP in July 2010 brought a great anticipation amongst the citizens of the EAC Partner States. A number of gains have been made since the launch of the CMP. One of the achievements is the increase in cross-border trade. The EAC has also made major strides towards the implementation of the protocol particularly in the operationalization of border posts on a 24 hour basis, and harmonization of immigration procedures. This, coupled with the waiving of the work permit fee for the EAC citizens by some countries (Kenya and Rwanda), is a great achievement. Though the achievements are notable, much more still needs to be done in order to ensure the success of the CMP.

There is need to urgently address issues related to the inhibitive legal and regulatory frameworks of the different countries. Another major stumbling block to the Protocol’s success is the disparity in infrastructure development in the Member States. This increases transportation costs in the countries. The other impediment to the success of the Protocol is the existing disparities with regard to national identification systems among the Partner States, a factor that hinders the free movement of people. There is need for all the Partner States to expedite the adoption of machine readable identity cards which will facilitate the movement to persons among the member states.

Harmonization of domestic tax and investment regimes in the region is still a major impediment to trade. The different VAT and Excise regimes in the countries act as barriers to cross border transactions and have a strong bearing on cross-border trade facilitation. In most cases, extra time and resources are spent on compliance with different taxes regimes. The overall effects are high transaction costs, high compliance costs and smuggling across the border. Lack of mutual recognition for products bearing a mark of quality is also a hindrance to full integration of the EAC. An additional sticky issue is non-compliance with the Common External Tariff (CET). This continues to deny market access to companies that made the investments on the promise of an expanded internal market. It also compromises industrial deepening in East Africa. Overall, the absence of an institutional mechanism to monitor the progress of implementation of the CMP at national levels is a key drawback.

The following are therefore recommended to be done if the East African Community' CMP is to achieve its main objectives:

- The Partner States should expedite alignment of their National laws to the CMP.
- Issuance of machine-readable IDs by Partner States to facilitate identification of a citizen of a Partner State should be expedited.
- Harmonization of domestic taxes should be expedited. Agreement on avoidance of double taxation for EAC Partner States should be finalized. The requirement for work permits for citizen of EAC should be removed
- Recognition of qualifications for professionals across the region.
- Provide adequate regulatory frameworks at a regional level for trade in services.
- Regulatory bodies should recognize products bearing a mark of quality issued by the Standard Body from another Partner States.
- Expedite the process of implementing fully fledged Customs Union.
- EAC should introduce quick alternative means of resolving disputes including informal ways.
- There should be political will and commitment from all Partner States.
- strengthen the capacity of labour market institutions to integrate and put into practice regional policy priorities through a coherent youth employment action plan;
- devise strategies that minimize the risks of migration of youth from rural areas; and
- Increase the positive impact of migration through better allocation of resources for youth employment.
- There is an urgent need for the development of a framework for data compilation on movement of people within the region.
- Governments have a major responsibility to put in place policies at the national and regional levels directed at getting the most out of existing and potential future opportunities for temporary movement of labour. This need was also highlighted at the recently completed regional workshop on Temporary Movement of Persons.
- Laws on Labour and Immigration should be reviewed to embrace free movement among the Partner States.

The East African Legislative Assembly (EALA) has a role to play in promoting and ensuring effective implementation of the CMP. One of the measures is for EALA to review and enact relevant legislation and enhance its oversight function to support the tenets of the CMP. The laws of the Community being supreme to national laws, the integration implores EALA and national Parliaments to take greater accountability and oversight roles. Areas where EALA could show greater engagement include practical parliamentary activities, liaison with national parliaments, and the development and promotion of trans-national political agendas.

While EALA cannot steer the path of regional integration alone, it can support it by acting as accelerating catalyst, provided it is willing to pick up the challenge and assert that role. Much depends on how effectively and constructively the assembly exploits opportunities, and demand more influence, particularly as the competencies of EAC regional bloc is growing steadily.

COUNTRY POSITION PAPERS

3.1 Challenges and Prospects of Implementing the CMP in Uganda

The free movement of persons is guaranteed under Article 7 of the Uganda Constitution. However, the free movement of persons is not absolute as it must be undertaken within the best interest of the public, health and security. Consequently, entry of prohibited immigrants is illegal. The immigration controls have also not been eliminated. Entry into and exit out of Uganda must be at designated points in accordance with the national laws and immigration procedures. Uganda is yet to embrace the use of identification card as travel document.

Uganda issues visitor's pass to EAC citizens free of charge in accordance with the protocol. However, a visitor's pass allows EAC citizens to enter and stay in Uganda for up to 2 months and not 6 months as provided in the CMP. Student or learning mobility is guaranteed. However, students are required to apply for a pupil pass within 15 days of entry. Those attending training of less than two months are exempt. The visitors and pupil passes are issued free of charge.

In Uganda, the right to work is not absolute even for professionals. The Minister is empowered by the country's Employment Act to may limit range of jobs open to migrants. In Uganda, a worker with contract must apply for work permit within 15 days of entry. However, entry is prohibited until work permit is granted. The CMP, however, provides issuance of a work permit for an initial period of up to two years and subsequently for a period not exceeding the duration of the employment contract or travel document. Contrary to this, Ugandan laws provide for issuance of a work permit for a period not exceeding one year.

Uganda has also eased cross border movement. The turn-round period for passport processing is 10 days. There are separate counters for EAC nationals at the Entebbe International Airport and 24 hour service at Malaba, Katuna, Busia and Entebbe International Airport. Efforts for One-Stop Boarder Post and Integrated Border Management System are ongoing at Malaba, Busia, Katuna and Mirama hills. Border posts have been gazetted at Amudat (Uganda-Kenya), Kizinga-Rwempasha (Uganda-Rwanda), and Omuruhumba (Uganda-Rwanda). Bugango which is at the border of Uganda and Tanzania is operating and is to be gazetted in 2013/14.

The key challenges in implementing the CMP are weak political will. This is manifested in the low funding of the key institutions that are bestowed with the mandate of implementing the CMP. Other challenges are limited awareness of the provisions of the Protocol, poor attitude towards labour migrants, inadequate ability to optimally exploit potential benefits of the CMP, negative perceptions of the gains and losses from the CMP, lack of national and regional migration data management and high cost of establishment. Uganda also lacks a national identification system.

3.2 Challenges and Prospects of Implementing the CMP in Kenya

Kenya has made remarkable progress in guaranteeing the freedom of movement of persons from the Partner States into its territories. As of May 2012, a total of 107,165 persons from other Partner States travelled into Kenya. This is compared to 185,552 in 2010 and 375,468 in 2011.

Also there is no report of irregular denial of an EAC citizen entry into Kenya. The country has also opened seven border posts which are operational on 24 hour basis. These are Jomo Kenyatta Airport (JKIA), Mombasa International Airport (MIA), Namanga, Lunga Lunga, Taveta, Malaba and Busia. All these borders together with Kisumu International Airport are electronically interconnected and have integrated border management systems.

In 2011 and by May 2012, there were 2,890 and 875 students from other Partner States granted gratis in Kenya. The Kenyan laws such as the Kenya Citizenship Act (Cap 170), Immigration Act (Cap 172), Alien Restriction Act (Cap 173) and Visa Regulations which hitherto inhibited free movement of people have since been repealed. They have been replaced with the Kenya Citizenship and Immigration Act No. 12 of 2011 and Kenya Citizens and Foreign Nationals Management Act No.31 of 2011.

The process of procuring a firm that will issue machine-readable and electronic National Identity Cards is at an advanced stage. The award of contract was expected in July 2012. This was to pave way for issuance of the machine readable and electronic National Identity Cards. From a pilot project, 63,319 Kenyans had been issued with machine-readable Identity Cards as at May 2012.

As is the case with other EAC Partner States, Kenya has not harmonized its social security policies, laws and systems with other EAC countries. The country has also not finalized its national manpower survey. Kenya has about 132 Private Employment Agencies registered by the Ministry of Labour. These agencies are involved in collection and dissemination of information on job vacancies. However, their activities are not well coordinated. The country is also yet to harmonize its curricula, examinations, standards, certificates and accreditation of education and training institutions.

3.3 Challenges and Prospects of Implementing the CMP in Rwanda

Rwandan Cabinet approved the National Policy and Strategy on EAC integration in February 2012. The aim of the Strategy is to ensure alignment of laws with CMP provisions. Rwanda also enacted a new Immigration Law No O4/2011 in 2011 to facilitate implementing of Ministerial Orders relating to the CMP.

In terms of progress, Rwanda provides visitors pass for 6months without visa. The students pass are provided free while work permits are charged Rwandese Franc 20,000 for trade, business, service, semi-skilled and artists from the region as compared to Rwandese Franc 100,000 for non-EAC citizens. The total number of EAC citizens that entered the Partner States stood at 1,110,013 as of August 2012. Three major border posts namely Kigali International Airport, Gatuna and Rurumo operate 24 hours. Others such as Akanyaru and La Corniche operate up to 10pm. Further, 323 students were granted free gratis student passes. Rwanda considers the EAC Partner States Rwandans on tuitions fees. It also provides tuition waiver of 50 per cent to all students from EAC Partner States. Rwanda has started issuing machine readable and electronic National Identity Cards established. This has so far been issued to 1,030,000 citizens. A total of 4655 work permit applications had been received and processed up to August 2012. About 4857 resident permits were also issued. The country has labour market information system.

Some of the challenges to CMP implementation in Rwanda are absence of an institutional mechanism to promote inculcation and nurturing of shared benefits from the EAC bodies. There is also no regional body in Rwanda that would attract regional labour mobility. Reluctance in implementing CMP decisions such as issuance of electronic IDs; harmonization of social security and employment; and conducting of national manpower survey by some Partner States slows down progress of implementation of CMP. Inadequate levels of awareness of the citizens and the general public on CMP issues and benefits also poses a challenge.

3.4 Challenges and Prospects of Implementing the CMP in Tanzania

Tanzania is a United Republic with specific matters listed as union matters in the Constitution and other matters are left for each part of the union to have full jurisdiction. Matters of employment and labour relations are not union matters hence it is regulated by two distinct set of laws enacted by two independent legislatures and administered by two different ministries in the United Republic of Tanzania. Each of the jurisdictions (Tanganyika and Zanzibar) has full mandate of supervision. On the Mainland, the Employment and Labour Relations Act (No. 6 of 2004) is being administered under the Ministry for Labour, while in Zanzibar there are two statutes, namely the Labour Relations Act (No. 1 of 2005) and the Employment Act (No. 11 of 2005). The two Zanzibar Acts and the Employment and Labour Relations Act being implemented in the Mainland are in tandem in regards to employee definition and employee rights, duties and obligations. Along the same lines, immigration in Tanzania is a union matter. It is regulated by the Immigration Act (Cap.54 of 2002) under the supervision of the Ministry of Home affairs. Under this Act the law provides that a foreigner must have a permit before working in the United Republic of Tanzania. Visitors are also required to obtain a pass.

Tanzania has committed herself to implement the protocol fully by 2015. The reasons for taking the long path originate from both internal and external sources. One of the reasons emanate from the fact that the area covered by Protocol under the freedom of movement of labour in Tanzania is multi-sectored and intra-ministerial. It involves several actors from both governments. Tanzania, for example, spreads acceptance of workers from other Partner States from 2010 to 2015. The list shows professionals with PhD, nurses, midwives accepted by 2010; secondary school teachers (science and foreign languages) by 2015; early to primary school by 2010; Engineers, 2011 with Railway Construction engineers, Air Traffic Controllers by 2012; Life Sciences, medical doctors and practitioners, land surveyors by 2015. Kenya, Uganda and Rwanda pegged 2010 as the year to allow free movement of labour in their States. Save for laws relating to free movement of the listed professionals, the laws in Tanzania have not yet been amended to match the time frame set for the professions that Tanzania had committed to allow in by 2012.

One of the key challenges to effective implementation of the CMP by Tanzania is fear that the nationals will lose jobs once job seekers from other Partner States are allowed into the country. The language challenge is also seen as a comparative advantage, especially of Kenyans over Tanzanians. This is mainly in the command of English, a language most preferred by foreign investors. Fears of social dumping, inadequate national capacities, fear of economic losses from the provision of public services to foreign workers and the reluctance of nationals to move to other Partner States are also part of the challenges. In addition, fear from non standardization of employee benefits like social security and health insurance and lack of adequate funds to finance

various actions in the CMP implementation process has slowed down the progress of implementation of the CMP in Tanzania.

3.5 Challenges and Prospects of Implementing the CMP in Burundi

Burundi, just like other EAC Partner States, has made some progress towards implementation of the CMP. There were, for example, 132,083 EAC citizens who had been granted access into Burundi for the period January to May 2010. The EAC citizens passed through Gasenyi-Nemba and Kanyaru Haut border posts. Between June 2011 and April 2012 some 922 students who are citizens of EAC had been granted gratis student passes to visit and study in Burundi. Also, Burundi harbours no discriminatory legislations inhibiting freedoms of movement of citizens of other partner states into Burundi. In the five months to May 2012, some 48,646 Burundians had entered into other EAC partner states using the Burundian national Passport. Burundi has entered into a memorandum of understanding with the Republic of Kenya on exchange of students and teachers and mutual recognition of educational qualifications.

While Kenya, Tanzania and Uganda have been issuing EAC Passports, Rwanda and Burundi have not issued the same to their nationals. Burundi is also yet to put in place the machine-readable electronic IDs. Further, Burundi does not have a border post that operates 24 hours apart from the Bujumbura Airport. Work is in progress to render operational the Gasenyi and Kobero borders. Burundi does not also have a single border post with the necessary infrastructure and electronically interconnected or integrated border management systems between Burundi and the bordering EAC Partner States. This makes it hard to collect data on movement of persons across these borders and ability to track and respond to any human tracking situation is acutely curtailed.

The challenges to implementation of the CMP in Burundi are poor perception of educational qualifications. Although it is not written, there is a widespread perception by many would-be employers in countries like Kenya, Uganda and Tanzania that Burundi does not have the higher tertiary level training institutions to provide the level of education and certification that is considered as satisfactory. As is the case with other countries of the region, low public awareness of the opportunities and threats of the CMP, and the roles and obligations of the public in promoting CMP is a key hindrance to effective implementation of the CMP in Burundi. Impact of differentiated commitments in the CMP and fear of job losses constitute other challenge. There is also no comprehensive regional integration strategy to steer implementation of the CMP in Burundi. Burundi also lacks an institutional mechanism to coordinate and monitor implementation of the CMP.

Conclusion

The East African Community Common Market Protocol was adopted and signed on 20 November 2009 by Heads of State. It was entered into force on July 1, 2010. In accordance with the provisions of Articles 76 and 104 of the Treaty, the Protocol provides for the following Freedoms and Rights: free Movement of Goods; free Movement of Capital; free Movement of Services; free movement of Labour; and free movement of Persons. The Protocol provides for the Right of Establishment and the Right of Residence. Generally, the dynamic process of integration has created other effects, notably of economic differentiation. The Protocol spells out various benefits including the merger and integration of the five countries into one single market where factors of production move freely. EAC has however not yet taken full advantage of the freedoms and rights envisaged in the Protocol and in this regard, the unexploited potential of the region remains.

KEY RECOMMENDATIONS

4.1 Preamble

Whereas

- a) The EAC Common Market Protocol was signed in Arusha on 20th November 2009 and came into effect on 1st July 2010,
- b) The Partner States agreed that each Partner States would identify, harmonize and align its national laws relevant to and touching on the implementation of the protocol within one year from the date of signing the protocol,
- c) Acknowledging that all the Partner States have taken steps to identify such laws,
- d) Appreciating that the Republic of Rwanda has gone beyond the identification and has harmonized a number of its laws, procedures and practices necessary for the implementation of the Common Market Protocol,

Concerned that movement towards a full implementation of the Common Market Protocol has been slow or stalled in the Partner States due to various reasons, as a consequence whereof the citizens of the Partner States do not see or feel tangible benefits of the EAC in general and CMP in particular, the participants, having deliberated upon and evaluated a progress so far made, make the following recommendations:

4.2 Recommendations to Partner States

1. National governments should enact laws that are in line with the provisions of the CMP;
2. Approximation of national laws across the regions;
3. The protocol confers responsibility to implement the protocol to the Partner States which are required to harmonize their laws in line with the CMP;
4. Establish dedicated committees in national parliament to deal with matters related to EAC integration;
5. There should be a mechanism of recognition of and support for the informal sector;
6. Countries with no Labor Market Information System (LMIS) should quickly implement it to inform people on the jobs within the region;
7. There is a need for intensive sensitization and awareness creation within the Partner States;
8. Speed up the development and harmonization of curriculum and certification;
9. Fast track mutual recognition of academic and professional qualifications;
10. The issues of social security must be taken seriously by Partner States: allow portability of social security benefit across the region;
11. Countries with no standardized computer readable IDs must speed up the process;

12. Partner States' Governments do commit adequate funding to the MINEAC and other relevant ministries like the Ministries of Labour as a demonstration of their good will and commitment to the EAC integration process;
13. There should be a revision of the CMP with the view to amend the annexes i.e Delink annexes of free movement of services and workers, so as to include categories of jobs and services (i.e. Administrators and Managers) and other sectors such as farmers;
14. Enhance the involvements of Private Sector and Civil Society Organizations in the EAC activities;
15. Operationalise the National Implementation/ Monitoring Committees;
16. National Government to cede more authority to empower the EAC Secretariat to enforce the implementation of the CMP.

4.3 Recommendation to EALA

1. Create an effective mechanism for linkage between EALA and national parliaments for the issue of sensitization and awareness;
2. Establish legal and institutional mechanisms to ensure Partner States implement the CMP;
3. Enact legislations to establish mechanisms for the harmonization of education and training in EAC in order the community may develop a skilled and relevant human resource for regional development;
4. Strengthen the mechanisms for monitoring and evaluation;
5. Ensure and monitor the proper and effective utilization of funds budgeted for and transferred to Partner States for sensitization and awareness creation.

4.4 Recommendation to EAC Secretariat

1. Create a data bank on manpower to determine which skills is lacking and where so that the free movement workers is purposeful. The manpower surveys will help the region link the skills to the job demands and to development process in the region;
2. Develop an effective mechanism for sharing benefits in accordance with treaty (in terms of situating EAC bodies in various partner states);
3. Develop common agreed on concepts and definitions (home grown) of various indicators so that to have comparative statistics and these include "Unemployment", "Youth", "Workers" and "Productivity";
4. Put in place a framework to address the issue of gender disparity to ensure equal participation of men and women in the CMP's movement of labor;
5. Appreciating that the Secretariat has been facilitating and funding sensitization and awareness creation in the Partner States, it is urged to strengthen and enhance these activities in conjunction with EALA and Partner States institutions;

6. Revise the CMP with the view to amend the annexes i.e Delink annexes of free movement of services and workers, so as to include categories of jobs and services (i.e. Administrators and Managers) and other sectors such as farmers;
7. Create mechanisms to ensure the involvements of Private Sector and Civil Society Organizations in the EAC activities;
8. Create working mechanisms so as to ensure effective communication to enable stakeholders to have feedback on specific issues;
9. Set up a mechanism level at the EAC Secretariat to develop common guidelines for addressing and monitoring the phenomenon of human trafficking in the region;
10. Develop regional guidelines on the nature of frequency of statistical data collection as a way of enhancing comparability of statistics among East African Partner States and establish an EAC Statistical Bureau;
11. Participants call upon the Secretariat to address the issues highlighted during this meeting.

**The East African Community Common Market Protocol
Challenges, Opportunities and Options**

Programme

Venue: Nairobi Safari Club

Wednesday, 31st October, 2012

All day: Arrivals of participants from Burundi, Rwanda, Uganda and Tanzania

19h00 Welcome Dinner

Thursday, 1st November, 2012

08h00 Registration

08h30 Welcome
Dr. Peter Oesterdiekhoff – Resident Representative, Friedrich-Ebert-Stiftung

Moderation: Hon Gervase Akhaabi

09h00 **Official Opening: Freedom of Movement and Regional Integration in East Africa**
The Permanent Secretary, Mr. Chiboli I. Shakaba, Ministry of East African Community, Nairobi

09h45 **The relevance of a regional labour market for growth and employment in EAC member states**
Jacob Omolo, Kenyatta University
Presentation and discussion

10h45 Coffee/Tea Break

11h15 **The Common Market Protocol's stipulations concerning the freedom of movement**
Jason Braganza, Consultant
Presentation and discussion

12h15 **Challenges and Prospects of Implementing the CMP in Uganda**
Wandera Martin
Presentation and discussion

13h15 Lunch break

Moderation: David Owiro, IEA

14h30 **Challenges and Prospects of Implementing the CMP in Kenya**

Victor Ogalo
Presentation and discussion

- 15h00** **Discussant: Prospects of implementing the CMP in Kenya**
Hon. Member of Parliament, Kenya National Assembly
- 15h30** **Challenges and Prospects of Implementing the CMP in Rwanda**
Pacifique Barihuta, Rwanda Governance Board, Kigali
Presentation and discussion
- 16h30** Coffee/Tea break
- 17h00** **Plenary Discussion**
Opportunities and Obstacles of Labour Movement
- 17h30** Closing

Friday, 2nd November, 2012

Moderation: Hon. Gervase Akhaabi

- 09h00** **Challenges and Prospects of Implementing the CMP in Tanzania**
Ibrahim Mbiu Bendera
Presentation and discussion
- 10h00** **Challenges and Prospects of Implementing the CMP in Burundi**
Victor Ogalo
Presentation and discussion
- 11h00** Coffee/Tea break
- 11h30** **Reaping the benefits of regional labour market integration: what needs to be done?**
Hon Peter Mathuki, East African Legal Assembly
Presentation and discussion
- 12h30** **Plenary Discussion**
Presentation of a resolution
- 13h30** **Closing Remarks**
Dr. Peter Oesterdiekhoff – Resident Representative, Friedrich-Ebert-Stiftung
The Chair, Hon. MP, EALA CTI Committee
Lunch break