



The 3rd Annual East African Civil Society Organizations' Forum on the Theme:

“Strengthening Civil Society in the EAC: Sharing Experiences with other RECs”

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LIST OF ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
AEC	African Economic Communities
APSEA	Associations of professional Societies in East Africa
AU	African Union
COMESA	Common Market for East and Southern Africa
CSOs	Civil Society Organisations
EABC	East African Business Council
EAC	East African Community
EACJ	East African Court of Justice
EACSOFF	East African Civil Society Organisations' Forum
EACT	East African Community Treaty
EALGA	East African Local Governments Association
EALS	East Africa Law Society
EANNASO	Eastern African National Networks of AIDS Services Organisation
EATUC	East African Trade Union Council
EAYC	East African Youth Council
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EISA	Election Institute of Southern Africa
FHRI	Foundations for Human Rights Initiatives
GTZ	German Technical cooperation
ICRtoP	International Coalition for the Responsibility to Protect
ILO	International Labour Organisations
IRRI	International Refugee Rights Initiatives
NGO	Non- Governmental Organisations
OSIEA	Open Society Initiative for East Africa

PSC	Peace and Security Council
RECs	Regional Economic Communities
RtoP	Responsibility to Protect
SADC	Southern African Development Community
SIDA	Swedish International Development Agency
UN	United Nations
UNNGOF	Uganda National NGO Forum
WACSI	West African Civil Society Institute
WACSOFF	West African Civil Society Organisations' Forum

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EXECUTIVE SUMMARY

The 3rd Annual East African Civil Society Organisations' Forum on the theme "***Strengthening Civil Society in the EAC: Sharing Experiences with other RECs***" sought to evaluate the progress of civil society in the East African Community and understand how best to formulate effective strategies to influence the development of the East African Community. Over 100 participants from across Africa were in attendance. The event was a collaborative effort between the East African Civil Society Organizations' Forum under the aegis of (East Africa Law Society) and the East African Community with the financial support from the German Technical Cooperation (GTZ) and the Swedish International Development Agency (SIDA).

The two-day meeting held at Arusha discussed amongst others the need for civil society and governments to embrace the Responsibility to Protect norm, the role of governments and civil society in promoting good governance and prevention of conflict in building stable societies and a unified region, and the need to enhance gender mainstreaming in the East African Community. Discussions also included various human rights issues such as HIV and AIDS, the role and mandate of the African Court on Human and Peoples' Rights and other Regional Economic Community courts, trade and strengthening civil society in the East African Community.

A Pan African representation at the Forum was drawn from participation by members of civil society from East Africa, Southern Africa and West Africa. This ensured not only diverse opinions, but also facilitated the sharing and flow of best practises from across Africa.

The Forum also elected a 15 member Governing Council that would lead their activities for the next three (3) years. The discussions and recommendations emanating from the Forum were drafted in a communiqué to the East African Community that is attached to this Report as annex 1.

1.0 INTRODUCTION

In 2005, the first regional workshop for civil society organisations (CSOs) of the East African Community (EAC)¹ was organised as part of the EAC's plan under its mandate to provide a forum for CSO engagement under Article 127(4) of the EAC Treaty. The inaugural workshop recommended that the East African Civil Society Organisations' Forum (EACSO)² be established as an autonomous body to serve as an umbrella body of all Non-Governmental Organisations (NGOs) and CSOs in the region, mandated to facilitate avenues for active engagement between Civil Society and the Community and its organs.

In 2007, the second Forum was held under the theme "***Elaborating on the Human Rights System of the East African Community***" which discussed and detailed the need for a strong human rights system in the EAC.

This year (2009) brought with it the third Forum on the theme "***Strengthening Civil Society in the EAC: Sharing Experiences with other RECs***". The Forum which is still in its nascent stage, sought to evaluate its current progress and understand how best to formulate effective strategies to influence the development of the EAC. It is against this background that it was deemed essential to learn from other CSOs engaged in similar work with Regional Economic Communities (RECs) in Southern Africa and West Africa.

The 2009 Forum under the leadership of an 18 member Steering Committee that met preceding the formal opening of the Forum has successfully brought the EACSO to its feet by initiating registration of the Forum, the development of a draft Strategic Plan and submission of funding proposals.

The 3rd Forum brought together over 100 participants from across Africa and was co-organised by the EAC, a significant measure of the growth of the Forum and interest in, coupled with political will by the EAC to engage civil society in the integration process.

2.0 OPENING CEREMONY

2.1. Welcome Remarks

Mr. Donald Deya, Chief Executive Officer of EALS representing Dr. Alan Shonubi, President, EALS began by noting that attendance at the Forum was both East African and Pan African in nature and that this was largely due to the support provided by the co-organisers the EAC, GTZ and SIDA.

¹ Hereinafter the Community.

² Hereinafter the Forum.

He looked toward fruitful discussions in the areas of strengthening CSOs capacity in regional integration; mobilizing CSOs to enable them seek long-term linkages through different CSO forums in Africa and procuring proposals on integration to be channelled to the EAC for action.

Making reference to the recent high level EAC retreat that focused on citizen participation in the regional integration process, he posed the question as to how best CSOs can contribute to strengthening regional integration. He concluded by urging both open and frank discussions during the Forum.

The Chair of the EACSOE Steering Committee, Professor Haroub Othman in his opening remarks noted that Arusha was an ideal venue for the meeting as the town had a rich history. Arusha had led to the vision of establishment of an equal class through African Socialism embodied in the Arusha Declaration, but those ideals he explained, appear to have presently been abandoned by the political class.

The Chair thanked the participants and the EAC and EALS for their support in organisation of the Forum and appealed to EALS to continue to buttress the Forum.

He further noted that the steering committee had made several positive strides namely initiation of registration as an NGO, publication of monthly e-newsletters, the development of a draft strategic plan and submission of funding proposals.

He stated that the critical success factors for the development of the region were strong political will and respect for the rule of law. It was only through these means that vices such as corruption and social problems like HIV/AIDS could be tackled. Professor Othman concluded by urging participants to learn and assimilate best practises from other regional CSOs and wished participants fruitful deliberations.

2.2. Keynote Address

The keynote address was delivered by the Deputy Secretary General (Finance and Administration) of the EAC, Dr. Julius Rotich on behalf of the Secretary General of the EAC, Hon. Dr Juma Volter Mwapachu. Dr. Julius Rotich began by expressing his gratitude to the organisers and especially Ms. Perpetue Miganda Principal Gender and Community Development Officer of the EAC.

In stating the importance of civil society in regional integration in the EAC, Dr. Rotich referred to Article 127 of the East African Community Treaty (EACT). He reminded participants of the desire and continuous efforts in providing an enabling environment for civil society participation. Drawing from the analogy of the adventurous pastoral Maasai who have settled across the region, Dr. Rotich advocated for a borderless EAC that would eventually build into the larger African Economic Community (AEC).

As a sign of the EAC's commitment to people-centred integration, he noted that the EAC in the build-up to its 10th Anniversary would be engaging in an extensive re-branding process to further ensure the Community is participatory in nature.



EAC Deputy Secretary General (Finance and Administration) Dr. Julius Rotich addressing participants at the Forum

Despite the positive steps already taken toward regional integration, he observed that ignorance persists around the role and activities of the Community and noted that wider civil society has not fully participated in economic integration. To this extent, he strongly stated that civil society was not a threat, but rather a stimulant to regional integration.

He concluded by observing that the quality and diversity of participants was high and that the recommendations of the Forum would be welcomed by the EAC.

Closing the opening ceremony, Dr. David Nahimana, President, Ligue ITEKA, thanked the Deputy Secretary General for his continual support and noted that message and challenges had been received.

3.0 THE RESPONSIBILITY TO PROTECT: PERSPECTIVES FOR CIVIL SOCIETY INTERVENTION

After setting the tone for the two-day discussions, the first session considered the role of civil society in conflict prevention. Chaired by Mr. François J. Godbout, Programme Officer, EALS the session delved into discussion on civil society's role as an early warning mechanism in conflict avoidance and the use of diplomatic and non – violent mechanisms to ensure protection of at-risk populations.

Ms. Salome Katia, Executive Director of AMANI Forum introduced the Responsibility to Protect norm (RtoP) with the five tenets upon which it is based as below;

- (i) Civil society as a custodian for civility- given that CSO's have a duty to engage in a reform agenda and establishing facts to facilitate intervention.
- (ii) Prevention as early warning - observing that alerting relevant institutions in the prevention of conflict depends on the penetration civil society has had in the given community.
- (iii) RtoP as a subsisting principle - noting that civil society is already engaged in advocacy with governments in conflict prevention and intervention.
- (iv) Cultural backing of RtoP- realizing that civil society provides conducive environments for intervention in humanitarian crises.
- (v) Creation of awareness and consensus on other social change issues - acknowledging that CSOs must engage the concept and reach consensus on its meaning and application.
- (vi) Civil society as already engaged in promulgating the RtoP norm – given that through the monitoring of government activities and determining the need for soft and hard intervention CSOs are engaging the norm.

Ms. Katia also identified some challenges that face RtoP. The subjectivity of the interpretation of the norm had lead to disagreements and even misunderstandings on the issue. A constant challenge to the implementation of the RtoP norm continues to be the varying levels of political will by governments. A third concern was that the RtoP norm places insufficient emphasis on the root causes of conflict. Further, the norm's legal status remains unclear.

Ms. Katia then proceeded to identify ways for engagement with governments and RECs. This she suggested could be done by creating awareness through subsisting programs, using the existing political will to work with CSO's to further the RtoP principle and by using the United Nations (UN) Secretary General's Report on RtoP to build a 3 pillar strategy.

Ms. Katia concluded by urging the EAC summit to discuss, engage and adopt the norm noting that without a sense of oneness regional integration would be ineffective in the EAC.



The Responsibility to Protect Panel - From L-R (Sapna Chhatpar, Dismas Nkunda, Salome Katia and François J. Godbout)

Ms. Katia informative presentation was followed by that of Ms. Sapna Chhatpar, Project Manager at the World Federalist Movement. Ms. Chhatpar's three- tiered presentation covered challenges facing RtoP, the UN Secretary General's report and the launch of the International Coalition for the Responsibility to Protect (ICRtoP).

In terms of challenges, Ms. Sapna intimated that although many governments had agreed to the RtoP principle at the 2005 World Summit, not many knew of its existence and how it works. There were also sentiments expressed by some governments that the RtoP norm only involved the use of force while some viewed it as a solution to all existing problems, a misconception given that its scope is limited to genocide, war crimes, ethnic cleansing and crimes against humanity.

A second challenge to the advancement of the norm had been its misuse. Ms. Chhatpar pointed to crises in Iran and Burma that had lead to interventions based on self-interests of the intervening states.

A third challenge she mentioned was the lack of consensus on what prevention meant and how prevention measures work. As a point of discussion, she raised concerns about how soon intervention should begin the legal basis for intervention, the *modus operandi* of intervention and the basis for authorization of intervention measures through the Security Council.

Normative challenges included establishing the legal grounding for RtoP given that it builds on previous interventions based on genocide and humanitarian crises. She further added that the RtoP norm was merely an agreement and had no force of law. A third normative challenge was ensuring the RtoP norm was domesticated in existing legal instruments such as the African Charter and regional frameworks on conflict prevention such as those at the Economic Community of West African States (ECOWAS). The RtoP principle also faced political challenges closely associated with the lack of political will and operational challenges such as building the capacity of civilian and military units.

In summarising the UN Secretary General's Report³, she pointed to the nature of the crimes considered under RtoP being; genocide, ethnic cleansing, war crimes and crimes against humanity.⁴ The Report notes that use of force in implementation of the norm should be viewed as a "last resort"⁵ with all appropriate diplomatic, humanitarian and other peaceful means explored as precursory measures.

Ms. Chhatpar highlighted from the Secretary General's Report the three pillars that prop up the RtoP norm as; the protection responsibilities of the state, international assistance and capacity-building, timely, and

³ Available for download at http://www.responsibilitytoprotect.org/index.php/featured_reports/2105

⁴ Paragraph 138 of the 2005 World Summit Outcome as quoted at page 4 of the Report of the Secretary-General on Implementing the responsibility to protect

⁵ Page 18 of the Report

decisive response. The Secretary General's Report proposed as the way forward further discussion on the norm although Ms. Chhatpar was quick to note that some countries were opposed to the RtoP norm. Governments were also urged to develop RtoP positions and present their ideas on how the norm could be buttressed.

Ms. Chhatpar concluded her presentation by announcing the launch of ICRtoP. The Coalition would bring together civil society groups from all regions of the world with the goals of strengthening normative consensus for the norm, building and fortifying a like-minded group of governments in support of RtoP and mobilizing civil society to push for action to save lives in country-specific situations.

Mr. Dismas Nkunda Co-Director of the International Refugee Rights Initiative in his presentation on RtoP in the EAC pointed to Darfur as an opportunity for EAC Partner States to apply and operationalize the RtoP norm. Nkunda mentioned that RtoP might have helped to solve the Burundi crisis.

He concluded by asserting that EAC Partner States have firm commitments under both the EAC Peace and Security Architecture and under the African Union.

After the series of arousing presentations, the floor was opened for comments and questions.

Plenary Session⁶ – Responsibility to Protect

- Q.** How can CSOs move from being reactive to proactive given the ongoing crises in Zimbabwe and Madagascar?
- A.** The RtoP concept also involves the responsibility to prevent. However, this must not detract from a discussion on the root causes of conflict.
- C.** Political will cannot be easily measured, as politicians tend to be elusive only engaging CSOs when it is within their interests to do so.
- C.** There is a very low level of understanding of the RtoP concept in the region, CSOs and EAC Partner States should look to the norm given the upcoming elections in Burundi and Tanzania. There is also a need for CSOs to set up country coalitions to form consensus on the application of the norm.
- C.** There is a need for CSOs to own the RtoP norm before they engage with government. CSOs should speak in unison vis-à-vis the RtoP norm and its application in the region.

⁶ Hereinafter, in plenary sessions: C : Comment Q.: Question and A: Answer

C. The RtoP norm although not legally entrenched at the EAC is considered a matter of good governance under the objectives of the Community to prevent conflict and resolve disputes peacefully.⁷

Q. To what extent has EAC Partner States and civil society reached out to protagonists in Madagascar?

A. Unanswered.

Q. What safeguards exist to the abuse of the concept, who is accountable and is there a framework for justice where the RtoP norm is abused?

A. The RtoP norm has not established any framework to remedy injustices caused by abuses of the norm.

4.0 COMPARATIVE ANALYSIS OF CIVIL SOCIETY INFLUENCE WITHIN THE REGIONAL ECONOMIC COMMUNITIES AND THE AFRICAN UNION

The session chaired by Ms. Cheggy Mziray, CEO of the Tanganyika Law Society (TLS) explored the role of civil society influencing RECs and the African Union (AU) with a view to sharing best practises and lessons from across the region.

Dr. Ibrahima Kane, African Union Advocacy Director at the Open Society Initiative for East Africa (OSIEA) in his presentation on the AU detailed how only as recent as the year 2000 were civil society organisations invited to participate in the unification of Africa through the Economic, Social and Cultural Council of the African Union (ECOSOCC).

He stated that in a show of its support to civil society, the AU Peace and Security Council (PSC) held a retreat between the 4th and 5th of December, 2008 in Livingstone, Zambia on the theme “**Interaction between the Peace and Security Council and Civil Society Organizations (CSOs).**” The objective of the meet was to operationalize Article 20 of the PSC Protocol that calls for institutionalisation of civil society in PSC engagement.

Dr. Kane stated that the coalition of civil society for the African Union meets two months before the AU Summit and prepares its recommendations that are sent to the AU by way of a Communiqué. After the Summit, decisions pronounced are audited by civil society within the respective states. He sited an example

⁷ Articles 123 and 124 of the EACT

of the grassroots movement that lead to the influencing of the process of establishment of the African Court on Human and Peoples' Rights.⁸

In conclusion, Dr. Kane reminded participants that the AU works based on practical realities rather than what is provided in for in its Constitutive Act. He also held the strong belief that if well coordinated, civil society participation does influence the decision-making process of governments.

Mr. Morris Odhiambo, Executive Director, CLARION followed Dr. Kane's Pan African flavoured presentation with the domestication of civil society's role in the EAC. Relying on a study commissioned by Kituo cha Katiba that analysed (clause by clause) the rules for granting observer status for CSOs and the formation of EACSOF, Odhiambo's presentation brought out two key points namely the need to restructure the rules for granting observer status and the continual need for support of EACSOF.

Mr. Odhiambo concluded by identifying challenges facing EACSOF including the need to widen and balance participation at the Forum. He questioned the formalization and legal registration requirements for membership noting this may hinder smaller, grassroots organisations or coalitions from joining the Forum.

Ms. Perpétue Miganda, Principal Gender and Community Development Officer, EAC briefed participants on the workings of the EAC. The EAC she pointed had developed partnerships with several CSOs such as but not limited to the East African Business Council (EABC), the East African Trade Union Council (EATUC), the East Africa Law Society, the East African Magistrates and Judges' Association (EAMJA) and the East African Youth Council (EAYC).

Ms. Miganda highlighted the ongoing sensitization programs involving the civil society, organization of workshops with the East African Local Governments Authority (EALGA) in four Partner States on the role of local governments in regional integration and the incorporation of delegates from civil society during EAC Meetings of Experts by Partner States as achievements in interfacing with CSOs.

Ms. Miganda also explained the observer status criteria for both CSOs and international organisations. In terms of EAC perspectives, the presenter explained the EAC has and continues to build capacity of CSOs, mainstream gender and youth in the EAC and in its programs and formulate the EAC Strategic Plan on CSO mobilization. These goals she noted faced the current challenge of underrepresentation of CSOs. Miganda concluded by expressing her desire to see the recommendations of the Forum presented to the Council of Ministers.

⁸ Hereinafter the African Court

Mr. Charles Van Dyck, Programme Officer from the West African Civil Society Institute (WACSI) took participants through a summary of the workings of civil society in West Africa. He noted that of the three RECs in place only the West African Economic and Monetary Union (UEMOA) and ECOWAS were active with the Mano River Union currently non-functional.

The normative thesis for civil society participation in West Africa he noted was the mutually dependant relationship civil society had with government. To this extent, wide debate had ensued on the definition of civil society. A loose definition was settled on that includes activities and organisations outside the family, state and business.

He pointed to the West African Civil Society Forum (WACSOFF) was organised into 16 platforms of 13 countries that meets once a year prior to the Heads of State Summit. A notable achievement was the formulation of a Vision 2020 document by ECOWAS that WACSOFF was invited to draft and provide comments on.

Drawing from the panel discussion on RtoP, Van Dyck pointed to the presence of RtoP language in the ECOWAS Conflict Prevention Framework. In this line, he noted WACSOFF engages in and facilitates a number conflict prevention programs such as a Peer Review Scheme for electoral bodies.

Commissioner (Mr.) Bahame Tom Nyanduga, of the African Commission on Human and Peoples' Rights presented perspectives on civil society engagement at the Common Market for East and Southern Africa (COMESA).

He noted that most COMESA States had adopted legislation that governed and sometimes fettered civil society participation. He also noted that a number of RECs operational in Southern Africa gave cognisance to civil society and public participation. With regard to COMESA, he stated that all policy issues passed through the Business Community which is an intergovernmental body established under Article 7(1) (h) of the COMESA Treaty.⁹

Commissioner Nyanduga summed up by noting that civil society and private sector collaboration can provide a more enabling environment for development. He urged civil society to reflect on the need to develop a participatory framework with governments and RECs given that none existed in the region.

Ms. Belinda Musanhu, Program Manager at Election Institute for Southern Africa (EISA) shared her insights into civil society participation at the Southern African Development Community (SADC). Founded in 1992

⁹ Available for download here
http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/comesa/2COMESA_Treaty.pdf

with a membership of 14 countries, she explained the structure of SADC noting the three key organs namely the Summit, Troika¹⁰ and the SADC Committees that are composed strictly of civil society.

Musanhu also mentioned SADC had provision for a Council of NGOs that houses over 100,000 organisations; however, the Council notably lacks capacity. Ms. Musanhu therefore noted that there was no compulsion for head of state to action on recommendations from CSOs.

Plenary Session – Comparative Analysis of Civil Society Influence within the Regional Economic Communities and the African Union

- C. CSOs should lobby for clear monitoring mechanisms for implementation of protocols and instruments
- C. There may be a danger of entrenching CSO bodies/ institutions as part of RECs as strict conditions may be imposed. Under the AU system for example, CSOs were only accepted if 50% of the contributions were from African donors.
- C. CSO coalitions should attempt to retain as much diversity. A platform approach should be adopted where CSOs collate based on issues of interest.
- C. CSOs should adopt self-assessment criteria; this should be part of the work of the Forum to prevent CSOs from being discredited.
- C. There has been very little input by CSOs on the economic implications of regional integration especially with regard to the EAC Common Market Protocol.
- Q. What is the role of professional associations at WACSI in the SADC NGO Forum?
- A. Professional associations are considered part of civil society at WACSOF. They have remained relevant given that WACSOF operates based on thematic groupings.

Under the SADC NGO Forum, professional associations are usually not included as part of the civil society fraternity. Despite this, national law societies have been very active.

¹⁰ The SADC Troika System vests authority in the incumbent Chairperson, Incoming Chairperson who is the Deputy Chairperson at the time and the immediate Previous Chairperson to take quick decisions on behalf of SADC that are ordinarily taken at policy meetings scheduled at regular intervals.

Saturday 21st March 2009, Day 2.

5.0 WORKING GROUPS

The democratic and participatory spirit at the Forum leads to the impromptu creation of two new working groups on Trade and Strengthening CSOs within the EAC. The reporting from the Working Groups session was chaired by Dr. David Nahimana. A summary of the findings of the working groups were presented as below.

5.1. Working Group A: Good Governance & Prevention of Conflict

The presentation was made by Mr. François J. Godbout. The working group identified several critical success factors necessary to foster good governance. They include; laws that are understood, equality before the law and application of the principle of equity, law reform and a corruption free environment. In this light, the working group noted that only Burundi had in place a functional anti-corruption court.

The group put forward its recommendations to buttress good governance and prevention of conflict in the region. They include strengthening capacity of electoral commissions to ensure independence, provision of checks and balances on government organs, adoption of transitional agreements post elections and strengthening opposition parties.

Plenary Session – Good Governance & Prevention of Conflict

- C.** Decentralization of power as part of good governance should include the transfer of power to lower levels of government to include local authorities.
- C.** Uganda currently operates an anti-corruption court, but there have been questions as to its effectiveness.
- C.** There should be increased emphasis on women in conflict and the reintegration of employees in post conflict societies in line with the directives of the International Labour Organisation (ILO).
- C.** The impact of small arms in the region should be debated, as this is a threat to peace in the region.

5.2. Working Group B: Gender Mainstreaming

The gender mainstreaming working group sought to examine the progress of gender mainstreaming in the EAC, discuss the implementation status of gender mainstreaming and protection of children and examine policy and legislative implementation. Ms. Joyce Abalo, Programme Assistant, EALS delivered the groups findings.

The group noted improvements at the EAC given the formation of a Gender Desk at Community, the establishment of gender ministries at the Partner State level and ongoing work in the development of an East African Declaration on Gender Equality and a Regional Bill of Rights that caters for both children and gender rights.

Recommendations from the group included the development of a clear action point, mindset and timeframe for advocacy of gender mainstreaming at the EAC, capacity-building workshops for CSOs on the EAC's gender programs and advocacy for ratification of gender protocols by EAC Partner States. Recommendations on the external environment included the provision of soft loans and security funds for women in business and denouncing cultural barriers that hinder gender equality.

Plenary Session – Gender Mainstreaming

- C.** There have been several misconceptions about gender mainstreaming; CSOs should discuss whether mainstreaming means sameness (equality), difference (the provision of special programs) or transformation (the development of entirely new relationships). There is also a need to consider whether gender mainstreaming is a technical process or forms part of gender democratization.
- C.** Lessons should be drawn from SADC where biennially Member States report on gender mainstreaming realizations.
- C.** The EAC has a Gender Framework that has been revised to include the views of Burundi and Rwanda. The EAC has also planned workshops for national gender situation analysis.
- C.** Rwanda is a sterling example of gender mainstreaming in the region given that 56% of its members of Parliament are women.

5.3. Working Group C: HIV and AIDS

Ms. Lucy N'ganga, Executive Director of EANNASO led the presentation. The first area of focus was the inclusion of Persons Living with HIV and AIDS in the decision-making process. The group found that despite increased participation there was a disproportionate level of influence in the decision-making process. The group also found that there were varying levels of success across EAC Partner States.

The second issue discussed was the implementation of policy and legislation. Sadly, the group noted the EAC did not have a HIV/AIDS law but Ms. N'ganga was quick to note that the development of an EAC model law was ongoing. There had also been setbacks in legislation with the criminalization of transmission of HIV/AIDS. Positive developments at a policy level included positive discrimination of prisoners in Uganda.

The third talking point and recommendation from the group was the impact of regional integration in the spread of HIV and AIDS. Ms. N'ganga noted that not enough information existed on the impacts regional integration had on groups such as truck drivers and migrant workers. The group warned that regional integration would be insignificant if it lead to an increase rather than a decrease in the spread of HIV/AIDS.

Plenary Session – HIV and AIDS

- C. Workshops should be organised to discuss the social protection of victims of HIV/AIDS
- C. The discussion on the impacts of HIV/AIDS should be expanded to include groups such as children and families of transit and migrant workers.

5.4. Working Group D: African Courts

Ms. Wendy Kassujja, Public Relations Officer at Foundation for Human Rights Initiative (FHRI) reported on the deliberations of the African courts working group. The group discussed the role, function and status of both the African Court and the East African Court of Justice (EACJ) while drawing from regional experiences from West Africa.

The group's recommendations included identifying implementation and domestication entry points for advocacy work. The group also pushed for the adoption of best practises from West Africa vis-à-vis nomination of judges to REC Courts and the African Court and the extension of the implementation mechanisms at the EACJ to the decisions made by the African Court.

Finally, members were urged to raise awareness about the existence of the two courts among the general public and especially for persons seeking redress, develop advocacy strategies to ensure governments make the declaration allowing NGOs and individuals direct access to the African Court, advocate for governments to consider commemorating the 21st of October which is the African Human Rights Day and use the upcoming celebrations to mark the 10th Anniversary of the EAC to advocate for the implementation of the above proposals.

5.5. Working Group E: Strengthening CSOs within the EAC

The presentation was made by Mr. Richard Ssewakiryanga, Executive Director of the Uganda National NGO Forum (UNNGOF). The key takeaways from the report of the working group were first, the need for CSOs to differentiate in the carrying out of their activities their political and professional interests. The group reported that it was only on this basis that CSOs would be deemed credible before governments. Secondly, there was identified a strong need for the establishment of national and sub-national networks of CSOs that discuss issues relevant to integration in the EAC. Without such forethought, CSOs in the region may be viewed as disconcerted.

Plenary Session – Strengthening CSOs within the EAC

- C.** The Forum should rotate amongst EAC Partner States each year.
- C.** Trainings should be organised to increase CSO capacity within the region.
- C.** A CSO directorate should be developed to map existing organisations and areas of focus in the region.
- C.** The Forum should be held each year prior to the EAC Summit meeting and a mechanism developed to access and address the Summit. The Forum should also develop national chapters.

5.6. Working Group F: Trade

The report was presented by Mr. Nicanor O. Sabuna, Programme Officer, Association of Professional Societies East Africa. The running theme of the presentation was that crucially, in the scope of the EAC, CSOs have failed to match the pace of trade negotiations. Citing the EAC Common Market negotiations as

an example, the group noted that civil society from across the region had been marginalized, and the report warned this went against the people-centred spirit embodied in the EACT.

A second and related factor was the lack of dedicated funds to engage in research and advocacy on trade issues within the EAC. In this regard, it was evident that a majority of CSOs lacked capacity to engage in serious dialogue on the issue.

6.0 GENERAL ASSEMBLY

Professor Haroub Othman chaired the session.

6.1. Report of the Steering Committee

Professor Othman presented the Report of the Steering Committee and it was endorsed without objection. The General Assembly also ratified amendments to the EACSOF constitution at articles to include Articles 8.7, 8.12 and 8.13.

It was further agreed that annual membership fees for EACSOF would be US\$ 200. Founding members and applicants were thus requested to furnish the EACSOF coordinator with the relevant documents and proof of payment within 6 months.

The General Assembly also adopted rules for the elections and membership of the Governing Council noting that;

- (i) Organisations and not individuals would be elected to the Governing Council,
- (ii) Voting would be by country caucuses,
- (iii) Each country would be entitled to three (3) members on the Governing Council,
- (iv) One third (1/3) of the members of the exiting Governing Council would be retained for purposes of continuity but they would not be eligible to serve as office bearers,
- (v) Tenure for the Governing Council would three (3) years,
- (vi) There would be five (5) office bearers namely the President, Vice-President, Secretary General, Deputy Secretary General and the Treasurer with equal representation from each Partner State of the EAC, and that Zanzibar would be considered part of Tanzania,
- (vii) That there would be country rotation of positions of the office bearers,

- (viii) For the purposes of coordination the office bearers for the first term would be as follows;
President - Tanzania, Vice-President - Uganda, Secretary General - Kenya, Deputy Secretary General -Burundi and the Treasurer – Rwanda.

The Steering Committee was dissolved.

6.2. Elections

Mr.Nahum Okwiya, CEO, African Youth Trust (AYT) was appointed Returning Officer for the first formal election of EACSOFF office bearers. The elections were free, fair and without incident. The results were as follows;

Office Bearers

President – Zanzibar Legal Services Centre

Vice President – Uganda National NGO Forum

Secretary General – Legal Resources Foundation

Deputy Secretary General – Ligue ITEKA

Treasurer – The Umbrella Organisation for Rwandan Local NGO's in Development (CCOAIB)

Country Representatives

Burundi - Forum for Strengthening Civil Society Organisations

- Burundian Association of Women Journalists

Kenya - Networks Alliance of People Living with HIV and AIDS in East African Region

- Association of Professional Societies of East Africa

Rwanda - PROFEMMES TWESEHAMWE

- Human Rights First

Tanzania - Tanzania Association of NGOs

- Arusha NGO Network

Uganda - Eastern Sub-regional Support Initiative for the Advancement of Women

- International Refugee Rights Initiative



A section of the newly elected
Governing Council

Joyce Abalo, Coordinator of EACSO moved a vote of thanks to the Steering Committee and wished the newly elected members of the Governing Council successful tenure in office.

Shortly after the elections, the Governing Council held its first meeting to chart the way forward for the activities. The discussions centred around the need to create a vibrant EACSO, funding and fundraising and information dissemination to members.

7.0 PANEL DISCUSSION ON THE COMMUNIQUÉ

The Plenary agreed on a set of recommendations, drafted it in a Communiqué, and appointed a Drafting Committee to finalize the Communiqué.

The final Communiqué is hereby attached to this Report.

The Forum Participants Attendance List 2009

Uganda

Mr. Dismas Nkunda	IRRI
Mr. Joseph Manoba	HURINET
Mr. Kasaga Muhamad	Together Alive Youth
Mr. Mukasa Misusera	DENIVA
Mr. Ssewakiyanga Richard	Uganda NGO Forum
Ms. Allen Asimwe	Fida-Uganda
Ms. Flavia Nabugere Munaaba	PDAU
Ms. Gertrude Ngabirano	SIDA
Ms. Jane Nalunga	SEATINI Uganda
Ms. Lydia Andie Aballa	Centre for Conflict Resolution
Ms. Nakulima Saphina	Refugee Law Project, Makerere
Ms. Nivatiti Nandujja	EASSI
Ms. Sylvia Namubiru	ULS
Ms. Tabitha Netuwa	EHAHRD
Ms. Wendy Kassuja	Foundation for H.R Uganda
Ms. Agripinner Nandhego	FOWODE

Kenya

Mr. Ali Said Matano	EA LVBC
Dr. Ibrahima Kane	OSIEA
Mr. Joe Muwonge	World Vision Africa Kenya
Mr. Adam Hussein Adam	OSIEA
Mr. Fred Olouch	East African (journalist)
Mr. Jude Nalyanya	CRADLE
Mr. Morris Odhiambo	CLARION
Mr. Nahum Okwiya	Africa Youth Trust (Kenya)

Mr. Otiende Amollo	Rachier & Amollo Advocates
Mr. Sam Muhochi	IMLU
Mr. Vincent Kodongo	IMLU
Mr. Wilfred Mlay	World Vision Africa Kenya
Mrs Ann Nderi Gitonga	ICJ-Kenya
Ms. Carol Waiganjo	COVAW
Ms. Claris Ogangah	FIDA Kenya
Ms. Dinah Makambi	World Vision Africa Kenya
Ms. Edith Omamo	SUSTAINET EA
Ms. Eunice Waithaka	NAP-EAR
Ms. Harriet Chigai	LSK
Ms. Jane W Mukuru	LRF
Ms. Praxides Nekesa	CCGD
Ms. Salome Katia	Amani Forum
Ms. Sarah Nginja	SIDA
Nicanor O. Sabula	APSEA
Richard Apamo	AEP
Burundi	
Dr. David Nahimana	Ligue ITEKA
M. Gerard Nduwayo	PCMC
Maître Prosper BANZUBAZE	Burundi Bar Association
Mr. Celestin Miburo	STEB
Mr. Denis Ndikumasabo	Alliance Burundaise contre le SIDA
Mr. Eliphaz NDAYIKENGURUKIYE	CAPAD
Mr. Raymond Kamenyero	FORSC
Ms. Esperance Nijembazi	Women Journalist
Ms. Goretti Ndacayisaba	Dushirehamwe

Ms. Marie BUKURU COSYBU

Rwanda

Mr. VUNINGOMA Faustin CCOAIB

Mr. Emmanuel Shamakokera ASSIST RWANDA

Mr. Job Ruzage Nzovu HRF

Mr. Kayitare Paul AJPRODHO

Mr. Niyongira Ladislas Legal Aid Forum

Mr. Pascal Nyilibakwe LDGL

Mr. Thadée Karekezi PSCR

Mr. Jean Pierre Uwimana HAGURUKA

Mr. Vincent Karangwa Kigali Bar Association

Ms Francine Uwimbabazi Liprodhor

Ms. Yvonne Murebwayire Pro-femmes Twese Hamwe

Tanzania

Dr. Yitiha Simbeye Open University of Tanzania

Jamila Mahmoud Juma ZAFELA

Karani Sekiete Himo Environmental Trust Fund

Makame Hamisa Mmanga ZAFELA

Mohammed Makame Zanzibar Law Society

Mr. Bahame T. Nyanduga ACHPR Commissioner

Mr. Joseph Mzinga Foundation for Civil Society TZ

Mr. Khalid Mlanga EACYO

Mr. Masswe N M Tanzania Association of NGOs

Ms. Cheggy Mziray Tanganyika Law Society

Ms. Tuba Ubwa Momboya Association of Zanzibar NGOs

Prof. Haroub Othman Zanzibar Legal Services Centre

International Participants

Mr. Charles Van Dyck	WACSI
Ms. Belinda Msanhu	EISA
Ms. Nobuntu Mbelle	CEAC
Ms. Sapna Chaatpar Considine	World Federalist Movement

Arusha

Amokile Ngewe	EALS
David Makala	World Vision TZ
Dr. Julius Rotich	EAC
Leocardia Kabunga	World Vision
Mr. Amanulas Kibona	WODSTA
Mr. Bobi Odiko	EALS
Mr. Charles Yegella	EABC
Mr. Davids Etyang	EATUC
Mr. Don Deya	EALS
Mr. Francois Godbout	EALS
Mr. Godwin Muhwezi	EABC
Mr. Richard Owora	EAC
Mr. Selemani Kinyunyu	EALS
Mr. Shilinde Ngalula	LHRC
Ms. Agnes Kayange	EALS
Ms. Clarisse Bukeyeneza	GTZ
Ms. Joyce Abalo	EALS
Ms. Jullie Mwalongo	World Vision
Ms. Lucy N'ganga	EANNASO
Ms. Maureen Akoth	EALS
Ms. Njeri Kagucia	EALS

Ms. Perpétue Miganda	EAC
Ms. Saira Gracious	EALS
Petro Aham	MESO
Sia Kassian	World Vision TZ

PRESS PARTICIPANTS

Edward Selasini	Arusha Times
Fortunatha Ringo	Safina Radio
Gashegu Muramira	The newtimes Kigali
Glory Mhiliwa	Majira
Grace Msovela	Uhuru Mzalenelo
Halfani Lihundi	Tanzania Daima
Happy Lazaro	Arusha Times/ This day
Hussein Ramadhan	Camera ITV
Khamis W. Said	Citizen
Maximin Siyo	Uhuru FM
Rose Jackson	MJ/Arusha news
Violes Ullya	Free Media/TZ
Wankyo Gati	Radio Safina
Woinde Shizza	Tripple A
Zephania Ubwani	The Citizen