



PRESS STATEMENT ON THE REOPENING OF THE RWANDA-UGANDA GATUNA/KATUNA BORDER

2nd February 2022

On January 27th, 2022 a statement was released by the Rwandan Ministry of Foreign Affairs and International Corporation announcing the re-opening of the Rwanda-Uganda, Gatuna-Katuna border on January 31st, 2022. This comes after three years of agonizing negotiations between the two Partner States of the East African Community (EAC).

Contrary to the Treaty for the establishment of the EAC 2006 (as amended) and the Common Market Protocol, on February 27th, 2019, the Government of Rwanda arbitrarily closed the border posts of Gatuna-Katuna; Cyanika and Mirama Hills/Kagitumba. Other border crossing points of Buhita in Rubaya and Kamwezi Counties, in Kabale District, both affiliated to Gatuna-Katuna border posts were also affected by the border closure. Before the border closure, Uganda was exporting much of its goods to Rwanda and earning as much as \$200 million per annum. However, following the border closure, Uganda's exports to Rwanda dropped to a paltry \$2 million as of 2020¹ signifying ONLY 1% of the previous earnings.

Additionally, the three-year border closure has had far reaching economic challenges on cross border traders, MSMEs, traders and farmers who majorly depended on trade through Cyanika and Katuna border. There have been financial losses incurred by the two governments, the Local Government Authorities, women cross border traders, transporters, Landlords, clearing agents, school owners, restaurants, lodging services operators and sex workers. There has also been dislocation of families especially those that are situated astride the border posts.

The strained relations between Rwanda and Uganda severely disrupted and affected trade between the two EAC member states

The Women Cross Border Traders at Katuna and Mirama Hills Border, who are beneficiaries of programmes run by the Eastern African Sub-Regional Support Initiative for the Advancement of Women (EASSI) at 20 other borders in Eastern Africa, have suffered immensely since they are dependent on the border businesses for their livelihoods. The closure of the border denied them the right to engage in gainful employment; curtailed their right to freedom of movement and broadly affected their livelihoods, economic and social wellbeing. While we note that the Small and Medium scale traders located at the border crossing points were advised by the Ugandan Ministry of Trade to relocate their businesses to other borders, this was impossible given their immobility in terms of business operations.

The re-opening of the border by the Government of Rwanda is therefore appreciated, by the EAC partner states, and all the people of Rwanda and Uganda, but particularly by the residents and traders at the affected borders between Uganda and Rwanda, whose businesses and livelihoods have been entirely destroyed. It also upholds the spirit and aspirations of the EAC, as well as the African Continental Free Trade Area (AfCFTA) whose effective implementation depends on the functioning of the Regional Economic Communities (RECs) like the EAC.

It is commendable that after a three-year closure, there is movement towards resolving the rift and tensions between Uganda and Rwanda which has been evidenced by the opening of the border.

1 <https://africa.businessinsider.com/local/markets/rwanda-finally-reopens-its-gatuna-border-with-uganda-after-three-years/z3hrgh2>

This is a good step towards deepening EAC integration and promoting intra EAC trade.

However, there are critical issues which need to be urgently addressed by the East African Community and the two Partner States, Uganda and Rwanda in order to ensure that this situation never reoccur.

While the re-opening of the border could be celebrated news, the travel restrictions and the demand to observe the EAC COVID-19 protocols will continue to be an enormous Non-Tariff Barrier (NTB) to trade, particularly for the small and medium scale traders, majority of whom are women. The observance of these protocols will put a heavy toll on the small business people that have capital that is far below the USD 50 that is demanded for the test, each time one crosses an East African border. It is therefore important for the EAC to revise the COVID 19 protocols and ease the restrictions that have been imposed on and are suffocating the small-scale cross border businesses across the region.

We have sadly noted the deafening silence of the community during the three-year border closure. This is a clear indication of a silent death of the institutions established by and for the East African Community, i.e. the summit, Council of Ministers, East African Court of Justice (EACJ), Ministry of East African Community Affairs (MEACA) and the East African Legislative Assembly (EALA). Furthermore, the functioning of the relevant EAC bodies and institutions like the East African Court of Justice (EACJ) in resolving disputes has not been effectively utilized. The realization of an inclusive and transformative regional integration agenda depends on the strength of these institutions to deliver on their mandates for example ensuring adherence to the law in line with the EAC Treaty and resolving tensions among partner States. Infact, individual leaders of Congo and Angola have played a more active role in engaging Uganda and Rwanda towards resolving the tensions between the two EAC partner states than the EAC Secretariat.

In order to address this democratic and governance deficit, SEATINI Uganda, EASSI and CEFROHT are calling for the review of the EAC Treaty in order to put in place a dedicated and robust body for the settlement of trade and investment related disputes among partner states and to effectively eliminate NTBs.

In our earlier efforts in 2019, SEATINI Uganda, EASSI and CEFROHT filed a Public Interest Case against the Governments of Rwanda and Uganda in the East African Court of Justice (EACJ) over the continued arbitrary border closure. In this petition, the three Civil Society Organisations made a number of demands which are still relevant and which we would like to reiterate. These are;

- a. The EACJ declares that the act of closing the border posts and denying the accessibility of traders and citizens from either state infringed the East African Treaty and violated the provisions of article 104(c), 105(1), 105(2) (b), 122(c) of the Treaty and 23, 29, 45(1)(b), 45(2)(b) ,(2), 3(n) of the Protocol on the Establishment of the East African Community Common Market.
- b. That the EACJ declares that the act of denying women the right of engaging in trade is an

infringement of the Treaty and violated their economic rights according to articles 121 and 122(c) of the Treaty.

- c. That the EACJ issues an order of a permanent injunction against the two partner states on the closure of the border posts and violation of the economic rights of women who carry on cross border trade between the two countries.
- d. That the EACJ issues an order that the two partner states make an economic and social audit to ascertain the extent of damage to the women who carry on cross border trade between the two countries.
- e. That the EACJ issues an order that the two partner states adequately compensate affected women due to the closure of the border posts.
- f. That the EACJ issues an order that the border posts be completely opened with immediate effect without any limitations whatsoever.

Therefore, we are calling for the full re-opening of the Gatuna/Katuna border taking into account the COVID 19 protocols as it is done across other border posts. The Governments of Uganda and Rwanda should fast track the institutionalization and implementation of protocols for the free movement of persons across the re-opened border, including fair protocols for management of COVID-19. COVID 19 protocols should be operationalized by the Ministries of Health of Rwanda and Uganda.

There is also a need to address Pre-existing NTBs: Even before the border closure, there were pre-existing NTBs affecting trade in the EAC region for example the NTB between Rwanda and Uganda on Vegetable Oils. Such NTBs need to be addressed. The major thrust of the EAC is a people centered, market driven and private sector led integration process. Unfortunately, the three-year border closure does not resonate with these aspirations. We therefore call upon the EAC Partner States to effectively utilize the institutions established by and for the East African Community in order to realize and be true to the objectives of the establishment of the EAC and the spirit therein.

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