



By the leader of Party Hon Aden Duale on 15/11/2016

MEMORANDUM TO THE SPEAKER OF THE NATIONAL ASSEMBLY ON THE RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT

(Submitted by the Cabinet Secretary for Environment and Natural Resources)



1. INTRODUCTION

Climate change is one of the most serious global challenges that require international attention and action. Kenya, like most developing countries, is vulnerable to the impacts of climate change. This is exacerbated by the country's high dependency on climate sensitive sectors, like agriculture, energy, wildlife, tourism, water and health.

Kenya ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1994 and its Kyoto Protocol in 2005. In addition, Kenya submitted its intended nationally determined contribution (INDC) to the UNFCCC secretariat in July 2015. The INDC outlines the country's climate change action plan under the new global climate change regime.

The Government has spearheaded various initiatives to address climate change. A National Climate Change Response Strategy (NCCRS) was launched in 2010, followed in 2013, by a National Climate Change Action Plan (NCCAP 2013-2017) that charts a low carbon climate resilient development pathway for the country. In addition, a national adaptation plan (NAP) has been finalized. Further, the Climate Change Act (2016) is now operational following the President's assent on 6th May 2016.

2. OBJECTIVE OF THE MEMORANDUM

The purpose of the Memorandum is to:

- a) Inform the National Assembly of the outcome of the 21st Session of the Conference of Parties to the United Nations Framework Convention on Climate Change, (hereafter referred to as the Paris Agreement); and its implications for the country.
b) Inform the National Assembly that the Cabinet in its 7th meeting held on 13th October 2016 approved the ratification of the Paris Agreement.

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- c) Seek the approval of the National Assembly for Kenya to ratify the Paris Agreement.

3. ANALYSIS OF THE PROBLEM AND JUSTIFICATION

Parties to the United Nations Framework Convention on Climate (UNFCCC) adopted a new climate agreement at the conclusion of the 21st Session of the Conference of the Parties to the UNFCCC (COP21) in Paris, France, in December 2015. The Agreement was adopted within the framework of the UNFCCC. The COP21 outcomes also include a set of decisions to give effect to the Paris Agreement.

The Agreement provides for a durable, robust and ambitious action on climate change. It is universal, inclusive and is applicable to all Parties; and will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

The aim of the Paris Agreement is to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including:

- Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
- Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate resilient development.

Consistent with Articles 6 and 7 of the Agreement, Parties will be required to take action to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change; and contribute towards the global goal of ensuring that the global temperature increase is below 2 °C above the pre-industrial levels. This will be done within the framework of nationally determined contributions (NDCs) and national adaptation plans (NAPs). The NDCs are intended to contribute to the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

On conservation, the Paris Agreement encourages Parties to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases, including forests. Further, the Agreement presents opportunities for support (financial, capacity building, and technology development and transfer) to developing

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country Parties like Kenya, for them to meet their obligations under the Convention.

As part of an enhanced transparency framework in the Paris Agreement, Parties will be required to report regularly on the implementation of the mitigation and adaptation actions proposed in their NDCs and NAPs, respectively. In addition, Parties will also be expected to report on financial, technology, and capacity building needs; and support received in the three areas (finance, technology, and capacity building).

The Paris Agreement will enter into force on the 4th November 2016 as the required threshold was achieved on 5th October 2016.

Kenya is among countries that advocated for the adoption of a legally binding universal climate agreement under the UNFCCC to ensure that those Parties with the greatest responsibility for climate change take action to avoid further damage to the environment. The Paris Agreement, for the very first time, brings all Parties to a common platform to undertake ambitious actions and investments towards a low carbon resilient and sustainable future. It also brings to the fore the need for enhanced support to enable developing country Parties meet their obligations under the Convention and the Agreement. The Agreement is, therefore, a significant milestone by the global community to address climate change, and will be of benefit to vulnerable developing country Parties like Kenya.

Kenya has already benefited from global climate finance opportunities through the mechanisms in the Climate Convention, among others. These include, but are not limited to, support coming through the Global environment Facility (GEF), the Adaptation Fund, the Climate Technology Centre and Network (CTCN) and the Green Climate Fund (GCF). The Agreement presents enhanced opportunities to support the country's low carbon climate resilient goals. Additionally, the Agreement provides for market mechanisms to spur private sector investments in developing countries, building on the Clean Development Mechanism (CDM).

In view of the above, it is recommended that the Government considers ratifying the Paris Agreement in order to send the right signal of its commitment to the global efforts to address climate change.

This will ensure that the country is among the first to take advantage of the enhanced support anchored in the Agreement to enable developing country Parties to address climate change adaptation and mitigation.

4. CONSTITUTIONAL IMPLICATIONS

Climate change is an integral part of the Constitution and is anchored in the National Climate Change Framework Policy and Climate Change Act (2016).

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The preparation of the Climate Change Act took place during the period that the Paris Agreement was being negotiated, and is therefore coherent with the agreement. Implementation of the Paris Agreement will contribute towards the implementation of the Climate Change Act (2016), Vision 2030, and the relevant articles of the Constitution.

Further, the climate change mitigation and adaptation actions anchored in the Agreement will strengthen the adaptive capacity of the most vulnerable groups and communities of the society. Women, children, persons with disabilities and marginalized communities, being among the most vulnerable groups, will benefit a lot from the implementation of the Agreement.

5. FINANCIAL IMPLICATIONS

Kenya, like other Parties to the UNFCCC, has an obligation to prepare and implement nationally determined contributions (NDCs) covering mitigation and adaptation actions every five years. In addition, the country will be have enhanced reporting requirements under the Agreement.

The estimated budgets to address the country's climate change response are reflected in the NCCAP and NAP. It is these same actions (in the NCCAP) that the country submitted as its contribution in the INDC. Several of these actions have also been integrated in MTP (2013---2017) and sector strategic plans. Further, the NCCAP and its implementation are now anchored in the Climate Change Act (2016).

By ratifying the Paris Agreement, the country stands to benefit from the support (finance, capacity building, and technology development and transfer) that is anchored in the UNFCCC, and specifically under the Paris Agreement.

6. RECOMMENDATIONS TO THE NATIONAL ASSEMBLY

The National Assembly is requested to:

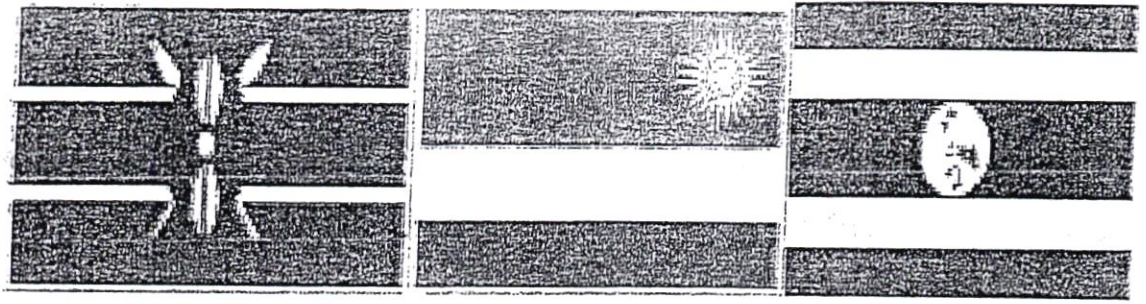
- a) Take note the contents of this Memorandum
- b) Approve the ratification of the Paris Agreement;



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PROF. JUDI W. WAKHUNGU
CABINET SECRETARY FOR ENVIRONMENT AND NATURAL
RESOURCES

Dated *28th October 2016*





PARLIAMENT
OF KENYA
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17 FEB 2015

MUTUAL PEACE AND SECURITY PACT

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PREAMBLE

PURSUANT TO the decisions of the Heads of State and Government in the Tripartite Summits held in Entebbe, Uganda, on 25th June 2013, Mombasa, Kenya, on 28th August 2013, and Kigali, Rwanda on 28th October 2013 in its paragraph 'j' of the Kigali Communiqué on security cooperation. In compliance with article 8 of the MoU on fast tracking East African Integration signed on 28th October 2013 providing for a defense pact by end January 2014.

RECOGNIZING that various efforts have been made under the EAC in the peace and security sector;

NOTING that the ratification process of the EAC Protocol on Peace and Security is ongoing

AND WHEREAS the Partner states further agreed to encourage and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner states with emphasis to the in prevention, better management and resolution of disputes and conflicts in the region;

AND WHEREAS the Partner States agreed to enhance co-operation for mutual peace and security;

IN COMPLIANCE with the provisions of the MoU between Republic of Kenya, the Republic of Rwanda and the Republic of Uganda on the Tripartite Initiative for fast-tracking the East African Integration;

AND IN COMPLIANCE with the Integration Projects Summit Joint Communiqué held in Kigali, Rwanda on 28th October 2013;

DO RESOLVE to unite their efforts towards collective peace and security, and the preservation of peace, security and stability;

Now, therefore, the Partner States hereby agree to conclude this Mutual Peace and Security Pact (hereinafter referred to as "the Pact") as follows:

ARTICLE 1:

Interpretation

1. In this Pact, except where the context otherwise requires, the following terminologies shall mean:

- a. Mutual and Collective security: The collective measures taken by the Partner States to ensure peace and security.
- b. Partner States: The Partner States signatory to this Pact
- d. Summit: The committee composed of the Heads of State and Government of the Member States;
- e. Cross border crime: A crime committed across Partner states which share common border;
- f. Counter Terrorism: Practices, tactics, approaches, techniques and strategies established by Partner states in response or pre-emption to terrorist threats or acts;
- g. Transnational Crimes: Crimes committed across the border of Partner states which do not share a common border.
- h. Disaster Management: Strategies for managing disaster which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation.
- i. Genocide: Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such:
 - a) Killing member of the group;
 - b) Causing seriously bodily or mental harm to the members of the group;

- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

j. Terrorism:

- a) Any act which is the a violation of the criminal Laws of a partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and calculated or intended to:
 - i. Intimidate, put in fear, put in force, coerce or induce any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular stand point, or to act according to certain principles.
 - ii. Disrupt any service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a partner State.
- b) Any promotion, sponsoring, contributing to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) and (ii).

ARTICLE 2

Objectives

1. The purpose of this Pact is to establish a framework for combating crimes to contribute towards collective peace and security among Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to;



- a) Protect the people in and safeguard the development of the Partner States against the instability arising from the breakdown of the Law and order, intra and inter-State conflicts and aggression;
- b) Coordinate and cooperate in matter related to peace and security in the Partner States;
- c) Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- d) Observe and encourage the implementation of the United Nations, African Union and other International conventions and treaties on the arms control, disarmament and the, peaceful relations between Partner States;
- e) Develop peace keeping capacity and coordinate participation of the Partner States in International and Regional peace support operations;
- f) Enhance the capacity of the Partner States with respect to disaster management and coordination of the International Humanitarian assistance;
- g) Enhance the capacity of the Partner States in the management of refugees;
- h) Enhance the capacity of the Partner States in combating terrorism and piracy and;
- i) Cooperate in exchange of prisoners, detention, custody and rehabilitation of the offenders.

ARTICLE 3

Areas of cooperation

1. In order to achieve the Pact objective as in Art 2, the security inter-agencies of Partner States shall cooperate in all areas relevant for the promotion, maintenance of peace and security, stability in the region and shall include:

- a. Conflict prevention, management and resolution
- b. Prevention of genocide
- c. Combating terrorism
- d. Combating and suppressing piracy
- e. Peace support operations
- f. Disaster risk reduction, management and crisis response

- g. Management of refugees
- h. Control of proliferation of illicit small arms and light weapons
- i. Combating transnational and cross border crimes, including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft
- j. Addressing and combating cattle rustling
- k. Prisons and correctional services including exchange of prisoners, detention, custody and rehabilitation of offenders
- l. Combating organized crimes;
- m. Combating economic crimes;
- n. Collect, collate and share intelligence on emerging and existing threats

2. Sharing and promoting best practices including, mobilization of the population to prevent, combat and eradicate crimes, disaster preparedness and management.

3. For purposes of combating cross border crimes the Partner states shall develop appropriate mechanisms, strategies and programs as follows: :

- a. Establishment of fusion centers
- b. Establishment of database on cross border crimes;
- c. Enhancing technical capacity for criminal intelligence;
- d. Facilitating joint operations to hunt down criminals among member states;
- e. Management of fugitives and suspects;
- f. Capacity building ,Training and Knowledge sharing;
- g. Harmonizing national legislations.
- h. Fast Tracking identified centers of excellence in Policing.

ARTICLE 4

Exchange of information and experience

1. The Partner states, through the established relevant organs, shall regularly exchange information, conduct and coordinate operations in the field of combating crimes.

2. Partner states, through established relevant organs and structures, shall work together to develop and enhance their capacities in a closer cooperation to facilitate the effective implementation of this pact and the achievement of its objective. In order to achieve the objectives of the Pact, the Partner States agree to undertake concerted measures to enhance cooperation in training and development mostly but not limited to:

- a. IT skills,
- b. Criminal investigations techniques
- c. Intellectual Property crimes
- d. Financial crimes
- e. Drug trafficking
- f. Smuggling of goods
- g. Human trafficking
- h. Counter terrorism
- i. Forensic Skills
- j. Any other areas of shared priority and common interest as may be agreed to by the Partner States.

ARTICLE 5

Free Movement of People

The free movement of people using ID, Voter's Cards and Student IDs poses security challenges. Each Partner State shall:

- a. Establish a mechanism for issuing student identification documents.
- b. Harmonize visa regulations to guide the issuance of single tourist visa.

ARTICLE 6

Funding

Partner States shall adequately finance the activities of the relevant organs, structures and operations.



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ARTICLE 7

Confidentiality of Information

1. The Partner States undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than to their own staff, to whom such disclosure is essential for purposes of having effect to this Pact or such further agreements pursuant to this Pact.
2. The Partner States further undertake not to use any classified information obtained during any multilateral cooperation among them to the detriment of or against the interests of any Partner State.
3. Visiting personnel, in the implementation of this Pact, shall comply with the Security Regulations of the host Partner State. Any information disclosed or made available to such visiting personnel shall be treated in accordance with the provisions of this Article.

ARTICLE 8

Accession

This Pact shall remain open for accession by any State as shall be approved by the Partner States through the policy organs from time to time.

ARTICLE 9

Settlement of Disputes

Any dispute among the Partner States arising from the interpretation and/or implementation of this Pact shall be settled amicably. Where there is no resolution, the matter shall be referred to the EAC Court of Justice or any other mechanism agreed upon by the Partner States.



ARTICLE 10

Withdrawal of a Member

Any Partner State may withdraw from this Pact upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Summit and shall cease to enjoy all rights and benefits under this Pact.

ARTICLE 11

Amendment

1. Any Partner State may propose an amendment to this Pact.
2. Such proposals are to be made to the relevant organs which shall duly notify the Summit for consideration.
3. An amendment to this Pact shall be adopted by consensus of all the Partner States.

ARTICLE 12

Review of the Pact

This Pact shall be reviewed every three years.

ARTICLE 13

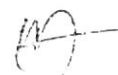
Breach of the Pact

Any Partner State may report an alleged breach of the Pact to the Summit, which shall instruct the relevant organs to carry out an investigation, report thereon and make recommendations back to the Summit.

ARTICLE 14

Implementation

The relevant authorities including other National Security Services such as Correctional, Immigration and Intelligence Services are to develop such organs, structures and policies as shall be necessary for the implementation of this Pact by 30th March 2014 for subsequent approval by the Committee of Ministers for onward transmission to the Summit.



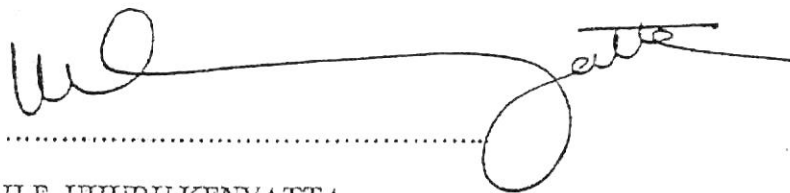
ARTICLE 15

Entry into Force

This Pact shall enter into force upon ratification by Partner States. The Pact shall enter into force 6 months after the date of signature by Partner States.

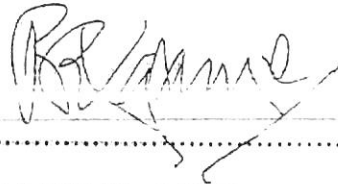
DONE at Kampala, Uganda this 20th day of February, 2014

IN WITNESS WHEREOF, WE, THE HEADS OF STATE OF PARTNER STATES HAVE SIGNED THIS PACT.



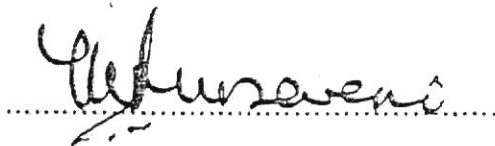
H.E. UHURU KENYATTA

PRESIDENT OF THE REPUBLIC OF KENYA



H.E. PAUL KAGAME

PRESIDENT OF THE REPUBLIC OF RWANDA



H.E. YOWERI KAGUTA MUSEVENI

PRESIDENT OF THE REPUBLIC OF UGANDA



East African Community

Protocol on Peace and Security

17 FEB 2015



East African Community

Protocol on Peace and Security

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Preamble

WHEREAS the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda signed the Treaty Establishing the East African Community on the 30th day of November 1999;

AND WHEREAS the Republic of Burundi and the Republic of Rwanda acceded to the accession Treaty on the 1st day of July 2007;

AND WHEREAS in order to promote the achievement of the objectives of the Community set out in the Treaty the Partner States agreed under Article 5(3)(f) to promote peace, security, and stability within, and good neighborliness among themselves;

AND WHEREAS under Article 124 of the Treaty the Partner States agreed that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community;

AND WHEREAS the Partner States further agreed to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner States with a view to the prevention, better management and resolution of disputes and conflicts between them;

AND WHEREAS under Article 151 of the Treaty, the Partner States undertook to conclude such protocols as may be necessary in each area of cooperation which shall spell out the objectives, scope of, and the institutional mechanisms for cooperation and integration ;

NOW THEREFORE the Partner States;

RE-AFFIRMING their faith in the purposes and principles of the Charter of the United Nations, and the Constitutive Act of the African Union and the desire to live in peace with all peoples and governments;

RECOGNIZING the principles for the respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, non-aggression and non-interference in the internal affairs of each Partner State;

AWARE that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

CONSCIOUS of the fact that close co-operation, mutual understanding and collaboration in matters of peace and security will be to the mutual benefit of the Partner States;

DETERMINED to establish a regional mechanism for the effective implementation of decisions made in areas of peace and security, and to consolidate further ties of friendship and fraternity amongst the Partner States;

AGREE as follows:

ARTICLE 1 - Interpretation

In this Protocol, except where the context otherwise requires-

“combined operations” means any operation carried out by the forces of the Partner States under one command;

“Community” means the East African Community established by Article 2 of the Treaty;

“Council” means the Council of Ministers of the Community provided for under Article 9 of the Treaty;

“counter-terrorism” means practices, tactics, techniques, and strategies that Governments, militaries, police departments and corporations of Partner States adopt in response to terrorist threats or acts, both real and imputed;

“cross border crime” means a crime committed across Partner States which share a common border;

“disaster management” means strategies for managing disasters which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation;

“early warning” means the process of collecting, verifying and analysing information for the purpose of identifying threats to peace and security and communicating the information to the responsible authorities;

“genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to the members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group;

“joint operations” means operations, which involve multi-Sectoral agencies of the Partner States engaged in peace support operations, disaster management, search and rescue, counter-terrorism, transnational and cross border crimes and any other operations which may be mutually determined by the Partner States;

“terrorism” means:

- (a) any act which is a violation of the criminal laws of a Partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a Partner State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) and (ii);

“transnational crime” means a crime committed across the border of Partner States which do not share a common border.

ARTICLE 2 - Scope of Cooperation

1. The Partner States shall cooperate in peace and security matters and collaborate with international and regional organisations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for the effective implementation of this Protocol.
3. Without prejudice to the generality of this Article, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) conflict prevention, management and resolution;
 - (b) prevention of genocide;
 - (c) combating terrorism;
 - (d) combating and suppressing piracy;
 - (e) peace support operations;
 - (f) disaster risk reduction, management and crisis response;
 - (g) management of refugees;
 - (h) control of proliferation of illicit small arms and light weapons;
 - (i) combating transnational and cross border crimes; including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft;
 - (j) addressing and combating cattle rustling; and
 - (k) Prisons and Correctional Services including exchange of prisoners, detention, custody and rehabilitation of offenders.
4. For purposes of paragraph 3, the Partner States agree to establish an early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

ARTICLE 3 - Objectives

1. The objective of this Protocol is to promote peace, security, and stability within the Community and good neighbourliness among the Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to:
 - (a) protect the people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra-and inter-state conflicts and aggression;
 - (b) co-ordinate and co-operate in matters related to peace and security in the Community;

- (c) prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- (d) observe and encourage the implementation of the United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between Partner States;
- (e) develop peacekeeping capacity and co-ordinate the participation of Partner States in international and regional peace support operations;
- (f) enhance the capacity of the Community with respect to disaster management and co-ordination of international humanitarian assistance;
- (g) enhance the capacity of the Partner States in the management of refugees;
- (h) enhance the capacity of the Partner States in combating terrorism and piracy;
- (i) cooperate in exchange of prisoners, detention, custody and rehabilitation of offenders; and
- (j) implement the East African Community Strategy on Regional Peace and Security.

ARTICLE 4 - Conflict Prevention, Management and Resolution

1. The Partner States undertake to develop an East African Community conflict prevention, management and resolution mechanism.
2. For purposes of paragraph 1, Partner States shall manage and seek to resolve any dispute or conflict within and between two or more Partner States or with foreign countries by peaceful means.
3. The Community may, in consultation with the United Nations Security Council and the Peace and Security Council of the African Union, offer to mediate in disputes or conflicts within and between two or more Partner States or with foreign countries.

ARTICLE 5 - Prevention of Genocide

1. The Partner States undertake to cooperate in the prevention of genocide within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) prevent any act intended to destroy, in whole or in part, a national, ethnic, racial or religious group; and
 - (b) develop a joint mechanism for the prevention of genocide and take appropriate measures against the perpetrators.

ARTICLE 6 - Combating Terrorism

1. The Partner States agree to cooperate in counter terrorism measures within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate strategies and mechanisms for the operationalisation of counter-terrorism measures;
 - (b) jointly formulate strategies and mechanisms to combat terrorism;
 - (c) jointly formulate strategies on how to conduct joint operations; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

ARTICLE 7 - Combating and Suppressing Piracy

1. The Partner States agree to cooperate in combating piracy in the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate mechanisms for the operationalisation of anti piracy measures; and
 - (b) jointly formulate mechanisms to fight piracy;
 - (c) jointly develop strategies on how to fight and suppress piracy; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

ARTICLE 8 - Peace Support Operations

1. The Partner States shall formulate a joint mechanism for the operationalisation of peace support operations within the context of the Charter of the United Nations, the Constitutive Act of the African Union and the Treaty.
2. The Partner States shall conduct peace support operations within the Community under a conflict prevention, management and resolution framework.

ARTICLE 9 - Disaster Risk Reduction, Management and Crisis Response

1. The Partner States shall develop mechanisms to provide mutual assistance in disaster management and crisis response
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) develop and early warning and response system for common disasters within the Community;
 - (b) establish the database for disaster management; and
 - (c) develop capacity to manage disaster situations.

ARTICLE 10 - Management of Refugees

1. The Partner States undertake to establish common mechanisms for the management of refugees.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) harmonize their policies, laws, strategies and programmes on the management of refugees;
 - (b) incorporate the provisions of the 1951 UN Convention on Refugees and 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa in their national legislation;
 - (c) establish and harmonise asylum procedures;
 - (d) network and share information regarding asylum seekers and refugees;
 - (e) institute mechanisms to facilitate family re-union;
 - (f) establish systems for agencies involved with refugees within the Community to share views and exchange experiences; and
 - (g) develop joint training modules for stakeholders in refugee management.

ARTICLE 11 - Control of Proliferation of Illicit Small Arms and Light Weapons

The Partner States undertake to jointly develop policies, measures, mechanisms, strategies and programmes, to control the proliferation of illicit small arms and light weapons.

ARTICLE 12 - Combating Transnational and Cross Border Crimes

1. The Partner States shall undertake joint operations in controlling and preventing transnational and cross-border crimes including:
 - (a) the theft of motor vehicles;
 - (b) the smuggling of goods;
 - (c) illicit drug trafficking;
 - (d) human trafficking;
 - (e) illegal migration;
 - (f) trade in counterfeit goods;
 - (g) intellectual property piracy; and
 - (h) any other transnational and cross – border crimes.

2. For purposes of paragraph 1, the Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat cross-border crimes including:
 - (a) the establishment of regional databases on cross-border crimes;
 - (b) the enhancement of technical capacity for criminal intelligence;
 - (c) the enhancement of the exchange of criminal intelligence and other security information between the Partner States central criminal intelligence information centres;
 - (d) the strengthening of cross border security;
 - (e) the training of personnel and sharing information on the *modus operandi* being used by criminals;
 - (f) the enactment of laws on mutual legal assistance in criminal matters; and
 - (g) the establishment of cross border and inter state communication.

ARTICLE 13 - Preventing and Combating Cattle Rustling

1. The Partner States that do not have policies and laws to prevent and combat cattle rustling agree to develop and adopt policies, law and strategies to achieve this.
2. The Partner States agree to harmonise their policies, laws and strategies to prevent and combat cattle rustling.

ARTICLE 14 - Cooperation in the Exchange, Detention, Custody and Rehabilitation of Prisoners and Offenders

1. The Partner States agree to cooperation in the exchange, custody and rehabilitation of prisoners and offenders.
2. For purposes of Paragraph 1, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) the governance and management frameworks of prisons and correctional services;
 - (b) penal reform agenda; and
 - (c) research, data collection, information exchange and the enhancement of regional standards, policies and practices.
3. The Partner States agree to harmonise their training programmes and practices in relation to the management of penal and rehabilitation institutions.

ARTICLE 15 - Institutional Arrangements

The Council shall determine the institutional arrangements for the implementation of this Protocol.

ARTICLE 16 - Relationship with Regional and International Organisations

The Partner States shall foster cooperation with regional and international organizations whose activities have a bearing on the objectives of this Protocol.

ARTICLE 17 - Confidentiality of Information

1. The Partner States undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Community, other than to their own officials to whom such disclosure is essential for purposes of giving effect to this Protocol or any directive taken by the Summit.
2. Partner States shall ensure that the officials referred to in this Article shall at all times maintain strict secrecy.
3. Partner States further undertake not to use any classified information obtained during any multilateral co-operation between and or among them to the detriment of any Partner State.
4. A Partner State shall remain bound by the requirement of confidentiality under this Article even after withdrawal and expulsion from the Community.

ARTICLE 18 - Dispute Settlement

Any dispute between the Partner States arising from the interpretation or application of this Protocol shall be settled in accordance with the provisions of the Treaty.

ARTICLE 19 - Amendment of the Protocol

This Protocol may be amended by the Partner States in accordance with the provisions of Article 150 of the Treaty.

ARTICLE 20 - Entry into Force

This Protocol shall come into force upon ratification and deposit of the instruments of ratification with the Secretary General by all Partner States.

ARTICLE 21 - Depository and Registration

1. The original text of this protocol shall be deposited with the Secretary General who shall transmit certified true copies thereof to all Partner States.
2. The Secretary General shall register this protocol with the African Union, United Nations and such other organisation as the Council may determine.

DONE at Dar es Salaam Tanzania this15th....., day of February, 2013.

IN WITNESS WHEREOF the undersigned have appended their signatures hereto:

For and on behalf of the
Republic of Uganda

For and on behalf of the
Republic of Burundi

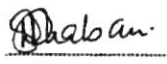
For and on behalf of the
Republic of Kenya

For and on behalf of
the United Republic of
Tanzania

For and on behalf of the
Republic of Rwanda


CRISPUS O. W.
KYUNGWA
MINISTER OF
DEFENCE

C P P GABRIEL
NIZIGAMA
MINISTER FOR
PUBLIC SECURITY


HON. DR NAOMI
SHAABAN
MINISTER FOR
GENDER,
CHILDREN AND
SOCIAL
DEVELOPMENT


BERNARD
KAMILLIUS MEMBE
MINISTER OF
FOREIGN AFFAIRS


SHEIKH MUSA FAZIR
HARERIMANA
MINISTER OF
INTERNAL
SECURITY

