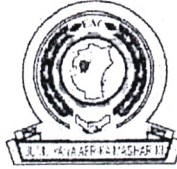

THE EAST AFRICAN COMMUNITY
BILLS SUPPLEMENT

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THE EAST AFRICAN COMMUNITY
THE EAST AFRICAN COMMUNITY STATISTICS BUREAU
BILL, 2017

MEMORANDUM

The object of this Bill is to establish the East African Community Statistics Bureau as an institution of the Community under Article 9 of the Treaty, in accordance with Article 21 of the Protocol on the Establishment of the East African Community Monetary Union; to provide for the functions, powers, governance and funding for the Bureau; and to provide for other related matters.

Article 21(c) of the Protocol on the Establishment of the East African Community Monetary Union provides for the Summit, on the recommendation of the Council, to establish an institution responsible for statistics as one of the institutions to support the East African Community Monetary union established by the Protocol. The

The Bill therefore seeks to provide for the establishment the East African Community Statistics Bureau as an institution responsible for the development, production and dissemination of community statistics in order to support the establishment of the East African Community Monetary Union.

RT. HON. DR. ALI KIRUNDA KIVEJINJA,
Chairperson Council of Ministers.

THE EAST AFRICAN COMMUNITY STATISTICS BUREAU
BILL, 2017

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THE EAST AFRICAN COMMUNITY STATISTICS
BUREAU BILL, 2017.

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY STATISTICS
BUREAU ACT, 2017.

An Act of the Community to establish the East African Community Statistics Bureau as an institution of the Community under Article 9 of the Treaty, in accordance with Article 21 of the Protocol on the Establishment of the East African Community Monetary Union; to provide for the functions, powers, governance and funding for the Bureau; and to provide for other related matters.

ENACTED by the East African Legislative Assembly and assented to by the Heads of State:

PART I—PRELIMINARY PROVISIONS

I. (1) This Act may be cited as the East African Community Statistics Bureau Act, 2017.

Short title
and
commence-
ment.

(2) This Act shall come into force on such date as the Council may, by notice published in the Gazette, appoint.

Inter-
pretation.

2. In this Act, unless the context otherwise requires—

“Assembly” means the East African Legislative Assembly established by Article 9 of the Treaty;

“Audit Commission” means the Audit Commission established by Article 134 of the Treaty;

“Board” means the Board of the Bureau established under section 7;

“Bureau” means the East African Statistics Bureau established under section 3;

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

“Community statistics” means statistics produced by the Bureau in accordance with the Community Statistics Framework;

“Community Statistics Framework” means the policies, concepts, procedures or standards for development, production, and dissemination of statistics in accordance with this Act;

“Community statistics system” has the meaning assigned to it by section 16;

“Council” means the Council of Ministers of the Community established by Article 9 of the Treaty;

“confidential data” means data which allows a statistical unit to be identified, directly or indirectly, thereby disclosing individual information;

“Director General” means the Director General of the Bureau appointed under section 14;

“development” means activities aimed at setting up the statistical methods, standards, and procedures used for the production and dissemination of statistics as well as at designing new statistics and indicators;

“Minister” means in relation to a Partner State, a person appointed as a Minister of the Government of that Partner State and any other person, however entitled who, in accordance with any law of that Partner State, acts as or performs functions of a Minister in that State;

“Monetary Union” means the East African Community Monetary Union established by Article 2(1) of the Protocol;

“Monetary Union institutions” means all institutions established in accordance with Article 21 of the Protocol;

“National Assembly” has the meaning assigned to it by Article 1 of the Treaty;

“national statistics office” means the institution of a Partner State responsible for statistics;

“national statistics system” means the national statistics office, other national authorities, producers and users of statistics in a Partner State;

“Partner States” has the meaning assigned to it by Article 1 of the Treaty;

“principles of statistics” has the meaning assigned to it by section 17;

“production” means all the activities related to the planning, collection, storage, processing, and analysis of statistics;

“Protocol” means the Protocol on the Establishment of the East African Community Monetary Union;

“Statistical unit” means the basic observation unit, namely a natural person, a household, an economic operator and other undertakings, referred to by the data;

“statistics” means quantitative and qualitative, aggregated and representative data and information characterising a phenomenon in a considered population;

“Summit” means the Summit established by Article 9 of the Treaty: and

“Treaty” means the Treaty for the Establishment of the East African Community.

PART II—ESTABLISHMENT OF THE EAST AFRICAN STATISTICS BUREAU

Establishment of the Bureau.

3. (1) There is established an institution of the Community to be known as the East African Statistics Bureau.

(2) The Bureau shall have the capacity within each of the Partner States of a body corporate with—

- (a) perpetual succession;
- (b) a common seal;
- (c) power to acquire, hold, manage and dispose of moveable and immovable property;
- (d) power to sue and be sued in its own name; and
- (e) power to do all other things a body corporate may do.

4. (1) The functions of the Bureau shall be to—

Functions of
the Bureau.

- (a) develop the Community Statistics Framework in accordance with internationally accepted standards;
- (b) develop, produce and disseminate Community statistics in accordance with the Community Statistics Framework;
- (c) collect statistics from national statistical systems through national statistics offices;
- (d) enforce the adoption of common methodologies in the compilation and dissemination of statistical data;
- (e) authenticate Community statistics submitted by the Partner States to the Bureau before dissemination;
- (f) coordinate the Community statistics system;
- (g) develop a mechanism to ensure the compliance of the Partner States with standards developed by the Bureau and with the principles of statistics;

- (h) provide technical support to Partner States, other Community organs and institutions of the Community in relation to the production of Community statistics;
- (i) establish and maintain an updated database of Community statistics;
- (j) develop a mechanism for surveillance and enforcement of compliance to the Community Statistics Framework;
- (k) enforce the adoption and implementation of the Community Statistics Framework by the Community statistics system; and
- (l) perform such other functions as may be determined by the Council.

(2) In the performance of its functions, the Bureau may cooperate with other Organs, or Institutions of the Community, regional or international organisations in matters relating to its mandate.

(3) Notwithstanding subsection (1)(c), the Bureau may collect statistics relating to a Partner State from other sources where the statistics are not available in the Partner State with the prior consultation of the national statistics office of a Partner State, provided such statistics comply with the principles of statistics.

Powers of
the Bureau.

5. In the performance of its functions under this Act, the Bureau may—

- (a) require information from national statistics offices of Partner States;

- (b) issue operational and technical directives necessary for the performance of its functions;
- (c) make recommendations to Partner States, Organs and Institutions of the Community on matters related to statistics;
- (d) issue guidelines necessary for the implementation of the Community Statistics Framework;
- (e) enforce the compliance by Partner States with the principles of statistics and statistical standards of the Community; and
- (f) conduct on-site audits of national statistics offices to verify compliance with the standards issued by the Bureau.

6. (1) Save as is otherwise provided by this Act or in the Treaty, the Bureau shall not take instructions on the performance of its functions from an institution of the Community, a Government of a Partner State or any other person.

Independence of the Bureau.

(2) For the purposes of this section, the Bureau shall independently decide on all matters relating to Community statistics.

PART III—GOVERNANCE OF THE BUREAU

7. (1) The Bureau shall have a Board which shall be the governing body of the Bureau.

Board of the Bureau.

(2) The Board shall consist of—

- (a) one person nominated by each Partner State; and
- (b) the Director General who shall be the secretary to the Board.

(3) Subject to subsection (5), the members of the Board shall be appointed by the Council for a term of three years' renewable once.

(4) The Board shall have a chairperson who shall hold office for one year.

(5) The office of the chairperson shall be held on a rotational basis in accordance with the rules of procedure of the Community.

(6) In the case of the first members of the Board, two members shall hold office for two years and three members shall hold office for three years.

(7) For the purposes of subsection (6), the Council shall draw lots to determine which members hold office for two years or three years respectively.

(8) Where a new Board member is appointed following death, resignation, or removal from office of a Board member, the new Board member shall serve for the remainder of the tenure of the former Board member and may be eligible for reappointment for more term.

(9) The Council shall determine the remuneration of the members of the Board.

Qualifications for members of the Board

8. (1) A person shall be qualified to be appointed a member of the Board if that person—

(a) is a national of a Partner State;

(b) is a fit and proper person of recognised professional standing in a Partner State;

(c) is a holder of at least a Master's degree in statistics, economics or demography from a university recognised by a competent authority in a Partner State; and

(d) has a minimum of ten years' experience in an area relevant to statistics at least five of which shall be at senior management level.

(2) For the purposes of this section, "fit and proper" means possessing all the attributes to be taken into account in determining the suitability of a person to be appointed as a member of the Board, including the person's general probity, competence and soundness of judgement for the fulfilment of the responsibilities of the office.

9. A person is not qualified to be appointed a member of the Board if that person—

Disqualifi-
cation from
appointment
to the
Board.

(a) has been convicted of an offence involving dishonesty, fraud or moral turpitude under any law in force in a Partner State;

(b) has been declared bankrupt;

(c) has, on the grounds of proved personal misconduct, been disqualified or suspended by a competent authority from participating in a profession;

(d) is a member of the Assembly or National Assembly;

(e) is a Minister of a Partner State; or

(f) is an officer or employee of—

- (i) any other Monetary Union institution, Community organ or institution; or
- (ii) a national statistics office.

Functions of
the Board.

10. (1) The Board shall—

- (a) provide strategic policy direction; and
- (b) monitor the performance of the functions of the Bureau.

(2) Without limiting the generality of subsection (1), the Board shall—

- (a) consider and approve reports on operations of the Bureau;
- (b) make recommendations to the Council on matters relating to statistics;
- (c) consider and approve annual accounts for the Bureau for submission to the Council;
- (d) approve internal rules on the organisation and operation of the Bureau;
- (e) make recommendations to the Council on staffing and recruitment; and
- (f) perform such other functions as may be conferred on it by the Council.

(3) The Council shall—

- (a) on the recommendation of the Board, appoint the other staff required for the performance of the functions of the Bureau; and

(b) determine the terms and conditions of service of the staff in the service of the Bureau in accordance with the Treaty.

11. (1) A Board member may resign from office by giving a written notice of thirty days to the Council through the Chairperson of the Board. Resignation and removal of the members of the Board.

(2) The Council may remove a member of the Board from office if the member—

(a) is disqualified from being a member of the Board under section 9;

(b) has committed serious misconduct;

(c) is incapable of carrying out his or her duties because of physical or mental impairment; or

(d) fails to attend three consecutive meetings without justifiable cause.

12. (1) The Board shall meet at least once every three months. Meetings of the Board.

(2) The quorum for a meeting of the Board shall be all members of the Board.

(3) The Board may invite the heads of national statistics offices or any other person to attend a meeting of the Board.

(4) The head of a national statistics office attending a meeting of the Board shall not participate in decision making.

(5) Decisions of the Board shall be made by consensus.

(6) All minutes of the Board shall be signed by the Chairperson and the Secretary of the Board.

(7) Subject to the provisions of the Treaty and this Act, the Board may determine its own procedure including that of convening its meetings and conduct of business.

Committees
of the
Board.

13. (1) The Board may establish committees for the effective execution of its functions under this Act or any other written law.

(2) The committees shall exercise such powers and functions as the Board may determine.

(3) The committees shall conduct its meeting in accordance with the rules determined by the Board.

Director
General of
the Bureau

14. (1) There shall be a Director General who shall be responsible for the day to day management of the Bureau.

(2) The Director General shall be appointed by the Council in accordance with the EAC Staff Rules and Regulations.

(3) A person is qualified for appointment as Director General if that person—

(a) is a national of a Partner State;

(b) is a fit and proper person of recognised professional standing in a Partner State;

(c) holds at least a Master's degree in statistics, economics or demography from a university recognised by a competent authority in a Partner State; and

(d) has a minimum of ten years' experience in the development and production of official statistics, at least five of which shall be at senior management level.

(4) Without prejudice to the provisions of this Act, the appointment of the Director General shall be made in accordance with the staff rules and regulations and terms and conditions of service of the Community.

(5) The Director General shall be the chief executive officer and accounting officer of the Bureau.

(6) The Director General shall serve for a period of five years and shall not be eligible for reappointment.

(7) The Council shall determine the remuneration of the Director General.

(8) Sections 9 and 11 shall apply to the disqualification, resignation, and removal of the Director General.

15. (1) The Council shall, on the recommendation of the Board, consider and approve the organisational structure of the Bureau.

Organizational structure and staff of the Bureau.

(2) The other staff of the Bureau shall be appointed by the Council in accordance with the EAC Staff Rules and Regulations.

PART IV—DEVELOPMENT, PRODUCTION AND DISSEMINATION OF COMMUNITY STATISTICS

16. (1) The Community statistics system shall consist of the Bureau, the national statistical systems of the Partner States, and other institutions of the Community which produce or use Community statistics.

Community statistics system.

(2) The national statistics offices shall be responsible for the implementation of statistical standards developed by the Bureau for the development, production, dissemination and archiving of Community statistics.

(3) The Bureau shall develop guidelines for coordination of the Community statistical system.

Principles
of statistics.

17. (1) The Bureau shall develop, produce and disseminate Community Statistics in accordance with the following principles of statistics—

- (a) relevance; which refers to the degree to which statistics meet current and potential needs of the users;
- (b) accuracy; which refers to the closeness of estimates to the unknown true values;
- (c) timeliness; which refers to the period between the availability of the information and the event or phenomenon it describes;
- (d) punctuality; which refers to the delay between the date of the release of the data and the target date by which the data should have been delivered;
- (e) accessibility and clarity; which refers to the conditions and modalities by which users can obtain, use and interpret data;
- (f) comparability; which refers to the measurement of the impact of differences in applied statistical concepts, measurement tools and procedures where statistics are compared between geographical areas, sectoral domains or over time;

- (g) coherence; which refers to the adequacy of the data to be reliably combined in different ways and for various users;
- (h) transparency; which refers to the availability to users of the sources, methodological standards, and procedures in relation to production of statistics;
- (i) confidentiality; which refers to strictly keeping confidential individual data collected by statistical agencies for statistical compilation whether they refer to natural or legal persons and using the data exclusively for statistical purposes;
- (j) professional independence, which refers to the independence of the development, production, and dissemination of statistics from political or other influence;
- (k) impartiality; which refers to being unbiased;
- (l) reliability; which refers to being consistently good in quality and able to be trusted; or
- (m) any other principle adopted by the Council.

(2) Subject to the provisions of this Act, the Council shall develop a code of practice prescribing matters necessary for the application and compliance with the principles of statistics.

18. (1) Every national statistics office shall, in accordance with procedures, timelines and coverage of reporting set by the Bureau, transmit statistics to the Bureau for the purposes of producing Community statistics.

Production
of
Community
statistics.

(2) The national statistics office shall, when transmitting the statistics referred to in subsection (1), submit to the Bureau an inventory of the source, methodology and procedure used by the Partner State to compile the statistics.

Quality of
National
Statistics.

19. (1) The Bureau shall assess the quality of the statistics transmitted by a national statistics office using the standards and procedures determined by the Bureau.

(2) Where the Bureau determines that the quality of statistics from a national statistics office does not conform to the standards determined by the Bureau, the Bureau shall inform the national statistics office recommending remedial measures.

(3) The Bureau shall prepare and publish a report on the quality of statistics submitted by a national statistics office.

PART V—CONFIDENTIALITY AND DISCLOSURE

Protection
of
confidential
statistics.

20. (1) Confidential statistics in the custody of the Bureau under this Act shall not be disclosed to any person outside the Bureau.

(2) All Community statistics and other statistical information disseminated or published by the Bureau shall be arranged and protected in such a manner as to prevent identification of a particular statistical unit.

(3) Notwithstanding subsection (1), the Bureau may disclose confidential data where the statistical unit to which the data relates consents in writing to the disclosure.

PART VI—FINANCIAL PROVISIONS

Funding and
budget.

21. The Bureau shall be funded in accordance with the Treaty.

22. (1) The Bureau shall—

Annual
accounts
and
auditing.

- (a) keep proper books of accounts and records of the Bureau's transactions and affairs;
- (b) ensure that the moneys received are properly accounted for;
- (c) ensure that all payments out of Bureau's funds are correctly made and properly authorised; and
- (d) ensure that adequate control is maintained over the Bureau's assets.

(2) The Bureau shall prepare annual accounts within three months after the end of the financial year, to be audited by the Audit Commission.

(3) The Council shall cause to be laid before the Assembly, the annual report of the Bureau for the financial year together with the report of the Audit Commission within six months after the end of the financial year.

PART VII—MISCELLANEOUS PROVISIONS

23. The Headquarters of the Bureau shall be located in such Partner State as the Council may determine.

Head-
quarters of
the Bureau.

24. (1) The Partner States shall grant the Bureau the status, privileges and immunities in accordance with Article 138 of the Treaty.

Status,
privileges
and
immunities.

(2) The staff of the Bureau shall enjoy such privileges and immunities in accordance with the Treaty.

25. (1) The Bureau shall through the Sectoral Council on Finance and Economic Affairs submit to the Council on semi-annual and annual basis, reports on activities relating to its functions.

Reporting
obligations.

(2) The Council may require the Bureau to prepare such other reports on matters falling within its functions.

(3) The Bureau may on its own initiative, for transparency and good governance, prepare and publish reports on matters falling within its mandate.

Common seal of the Bureau.

26. (1) The common seal of the Bureau shall be in the custody of the Director General.

(2) The affixing of the common seal of the Bureau on any document required by law to be made under seal shall be authenticated by the signature of the Director General and an officer of the Bureau designated by the Board for that purpose.

(3) In the absence of the Director General or such officer designated for that purpose or both, the Board shall nominate one or two officers of the Bureau as the case maybe, to authenticate the seal on behalf of the Bureau.

(4) Any document issued under the seal of the Bureau shall be admissible as evidence without further proof.

Power to make regulations and guidelines.

27. (1) The Council may, on the recommendation of the Board, make regulations or issue directives for the better carrying into effect the provisions of this Act.

(2) The Bureau may issue guidelines to facilitate the execution of its mandate.

(3) Without prejudice to subsection (2), the Bureau may issue guidelines—

(a) prescribing the requirements and procedures for assessment of the quality of data transmitted by a national statistics office;

(b) relating to the methodological standards and the principles of statistics; and

(c) relating to statistics reports by the national statistics offices to the Bureau.

28. The directives and decisions made by the Council before the coming into force of this Act in respect of the development, production, or dissemination of Community statistics shall remain valid until they are revoked by directives or decisions made under this Act.

Savings and
transitional
provisions.