



EAST AFRICAN COMMUNITY

PROTOCOL ON COOPERATION IN METEOROLOGICAL
SERVICES

EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION
IN METEOROLOGICAL SERVICES

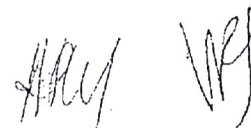
ARRANGEMENT OF ARTICLES

PREAMBLE

ARTICLE

TITLE

Article 1	Definitions
Article 2	Objective
Article 3	Scope of Cooperation
Article 4	Planning, Designing and Development of Weather and Climate Observation Networks and Meteorological Telecommunications Systems
Article 5	Data Processing, Analysis and Exchange of Meteorological Data and Information
Article 6	Early Warning Systems
Article 7	General Undertaking
Article 8	Harmonization of Policies, Laws and Regulations on Meteorology
Article 9	Cooperation with Regional and International Organizations
Article 10	Institutional Framework
Article 11	Regulations, Directives and Decisions
Article 12	Dispute Settlement
Article 13	Amendment of the Protocol
Article 14	Entry into Force
Article 15	Depository and Ratification



PURSUANT TO THE PROVISIONS OF ARTICLE 100 AND 151 OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY, THE PROVISIONS FOR THE EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES ARE HEREBY SET FORTH:

PREAMBLE

WHEREAS the Republic of Kenya, the United Republic of Tanzania, the Republic of Burundi, the Republic of Rwanda and the Republic of Uganda undertake to conclude a protocol for cooperation in meteorological services;

AND WHEREAS under the provisions of Article 5 of the Treaty for the Establishment of the East African Community, the Partner States express their commitment to develop, for their mutual benefit, policies and programmes for widening and deepening cooperation among themselves in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs;

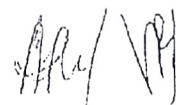
AND WHEREAS under the provisions of Article 100 of the Treaty for the Establishment of the East African Community, the Partner States undertook to cooperate in the provision of meteorological services;

AND WHEREAS by the provisions of Article 151 of the Treaty for the Establishment of the East African Community, the Partner States undertook to conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for co-operation and integration;

CONSCIOUS of the importance of harmonizing meteorological policies in the Community;

RECOGNIZING that the Partner States are members of the World Meteorological Organisation;

NOW THEREFORE, the Partner States hereby agree as follows:



Article 1

Definitions

In this Protocol, unless the context otherwise requires:

"Community" means the East African Community established by Article 2 of the Treaty; "Council" means the Council of Ministers established by Article 9 of the Treaty;

"Partner States" means the Republic of Kenya, the United Republic of Tanzania, the Republic of Burundi, the Republic of Rwanda and the Republic of Uganda; and any other country granted membership into the Community under Article 3 of the Treaty;

"Secretary General" means the Secretary General of the Community provided for under Article 67 of the Treaty;

"Treaty" means the Treaty for the establishment of the East African Community and the annexes and protocols thereto.

Article 2

Objective

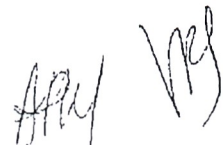
The objective of this Protocol is to promote cooperation in the provision of meteorological services within the Community.

Article 3

Scope of Cooperation

This Protocol shall govern the Partner States cooperation in:

- (a) the planning, designing and development of weather and climate observation networks and meteorological telecommunications systems;
- (b) the processing and analysis of data and sharing of meteorological information;
and
- (c) the development of early warning systems.



Article 4

Planning, Designing and Development of Weather and Climate Observation Networks and Meteorological Telecommunications Systems

1. The Partner States undertake to cooperate in the planning, designing and development of weather and climate observation networks and meteorological telecommunications systems.
2. For purposes of paragraph 1, the Partner States shall:
 - a) establish rainfall stations, as may be appropriate;
 - b) improve the surface observing networks in the Community, including over the Indian Ocean;
 - c) upgrade the existing observation stations;
 - d) establish automatic weather stations in remote areas, over lakes and along the coast;
 - e) establish upper air stations, as may be appropriate;
 - f) network weather radars for monitoring real-time weather for the safety and efficiency of air transport, marine navigation and public safety;
 - g) promote interconnection and inter-operability of meteorological observation and telecommunication networks; and
 - h) develop meteorological technologies.

Article 5

Data Processing and Analysis and Exchange of Meteorological Data and Information

1. The Partner States undertake to cooperate in data processing and analysis and to exchange meteorological data and information.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) develop meteorological data management and quality assurance systems;
 - (b) develop weather and climate forecast models, products and services;
 - (c) develop numerical weather prediction systems; and
 - (d) downscale global climate predictions to the regional level.

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Article 6

Early Warning Systems

1. The Partner States undertake to cooperate in the development and implementation of multi-hazard early warning systems.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) disseminate advisories and alerts for severe weather and extreme climate events for purposes of ensuring food security;
 - (b) monitor and exchange information on ocean related phenomena, volcanic ash and trans-boundary pollution; and
 - (c) identify the locations most affected by hydro-meteorological disasters.

Article 7

General Undertaking

In the implementation of this Protocol, the Partner States undertake to provide applied meteorological services to various sectors of their economies.

Article 8

Harmonization of Policies, Laws and Regulations on Meteorology

1. The Partner States undertake to harmonize their policies, laws and regulations on meteorology to facilitate the achievement of the objectives of this Protocol.
2. The Council shall issue directives for purposes of implementing this Article.

Article 9

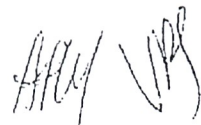
Cooperation with Regional and International Organizations

The Partner States shall foster cooperation and build partnerships with other countries, and international, regional or global organizations which share the objectives of this Protocol.

Article 10

Institutional Framework

The Council shall establish and confer powers and authority upon such institutions as may be necessary for the implementation of this Protocol.



Article 11

Regulations, Directives and Decisions

The Council shall from time to time make regulations, issue directives and make decisions as may be necessary for the effective implementation of this Protocol.

Article 12

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 13

Amendment of the Protocol

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

Article 14

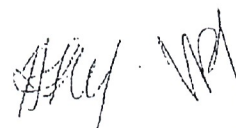
Entry into Force

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

Article 15

Depository and Ratification

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States.
2. The Secretary General shall register this Protocol with the African Union, the United Nations and such other organizations as the Council may determine.



IN WITNESS WHEREOF, WE, the undersigned have appended our signatures hereto

DONE AT Arusha this _____ day of _____
in the year 2016 .

Hon. Leontine
Nzeyimana

Minister
Ministry to the
office of the
President
Responsible for
EAC Affairs
For and on
behalf of the
Republic of
Burundi

Hon. Phyllis J.
Kandie

Minister for
Labour and
EAC Affairs
For and on
behalf of the
Republic of
Kenya

Hon. Amb.
Valentine
Rugwabiza

Minister of
EAC Affairs
For and on
behalf of the
Republic of
Rwanda

Hon. Amb. Dr.
Augustine
Mahiga, (MP)

Minister of
Foreign Affairs,
East African,
Regional and
International
Cooperation
For and on
behalf of the
United
Republic of
Tanzania

Hon. Dr.
Alhaj Ali
Kirunda
Kivenjija

3rd Deputy
Prime Minister
and Minister
for EAC
Affairs
For and on
behalf of the
Republic of
Uganda



EAST AFRICAN COMMUNITY

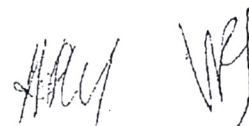
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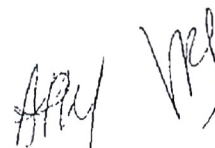
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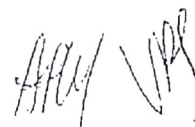
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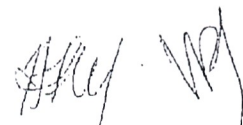
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Article 15

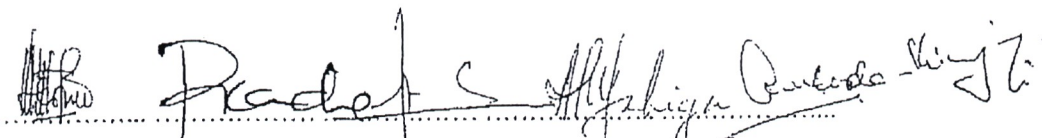
Depository and Ratification

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States.
2. The Secretary General shall register this Protocol with the African Union, the United Nations and such other organizations as the Council may determine.



IN WITNESS WHEREOF, WE, the undersigned have appended our signatures hereto

DONE AT Arusha this _____ day of _____
in the year 2016 .



Hon. Leontine Nzeyimana	Hon. Phyllis J. Kandie	Hon. Amb. Valentine Rugwabiza	Hon. Amb. Dr. Augustine Mahiga, (MP)	Hon. Dr. Alhaj Ali Kirunda Kivenjija
Minister Ministry to the office of the President Responsible for EAC Affairs For and on behalf of the Republic of Burundi	Minister for Labour and EAC Affairs For and on behalf of the Republic of Kenya	Minister of EAC Affairs For and on behalf of the Republic of Rwanda	Minister of Foreign Affairs, East African, Regional and International Cooperation For and on behalf of the United Republic of Tanzania	3 rd Deputy Prime Minister and Minister for EAC Affairs For and on behalf of the Republic of Uganda



**EAST AFRICAN COMMUNITY PROTOCOL ON
INFORMATION AND COMMUNICATIONS TECHNOLOGY
NETWORKS**

TABLE OF CONTENTS

Preamble 2
Article 1 3
Definitions..... 3
Article 2 4
Objective..... 4
Article 3 4
Scope of Cooperation..... 4
Article 4 5
Establishment and Management of information and communications technology Networks 5
Article 5 5
Harmonization of information and communications technology policies, laws and regulations. 5
Article 6 6
General Undertakings 6
Article 7 6
Cooperation with Regional and International organizations 6
Article 8 6
Institutional Framework..... 6
Article 9 6
Regulations, Directives and Decisions 6
Article 10 6
Dispute Settlement..... 6
Article 11 7
Amendment of the Protocol..... 7
Article 12 7
Entry into Force 7
Article 13 7
Depositary and Ratification..... 7

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PURSUANT TO THE PROVISIONS OF ARTICLES 89, 99 AND 151 OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY, THE PROVISIONS FOR THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATIONS TECHNOLOGY NETWORKS ARE HEREBY SET FORTH:

Preamble

WHEREAS:

Under the provisions of Article 5 of the Treaty for the Establishment of the East African Community, the Partner States express their commitment to develop, for their mutual benefit, policies and programmes for widening and deepening cooperation among themselves in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs;

AND WHEREAS

Pursuant to the provisions of Article 89 of the Treaty, the Partner States further undertake to evolve coordinated, harmonized and complimentary transport and communications policies; and to establish, maintain, expand and upgrade communication facilities to enhance interaction between persons and businesses in the Partner States and promote the full exploitation of the market and investment opportunities created by the Community;

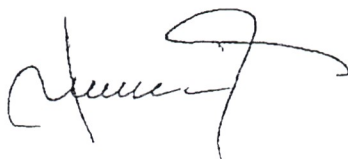
AND WHEREAS

By the provisions of Article 99 of the Treaty, the Partner States agree to cooperate to improve and maintain interconnectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community;

AND WHEREAS

By virtue of the provisions of Article 151 of the Treaty, Partner States have agreed to conclude such Protocols as may be necessary in each area of co-operation which shall spell out the objectives and scope of, and institutional mechanisms for co-operation and integration;

~~AFCEA~~









ACKNOWLEDGING that Information and Communication Technologies (ICT) have become a catalyst for economic growth and development,

COGNIZANT of the need to promote and involve the private sector in the deployment of information and communications technology capacities and technologies in the Community;

RECOGNIZING that sufficient Information and communications technology Infrastructure promotes universal access and improves the quality and cost of Information and communications technology services, hence social and economic integration through enhanced interaction between persons and businesses;

RECOGNIZING FURTHER the evolving status of information and communications technology infrastructure development in EAC Partner States;

INTENDING to facilitate the establishment and management of information and communications technology networks within the Community;

HEREBY AGREE AS FOLLOWS:

Article 1

Definitions

In this Protocol, unless the context otherwise requires,

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

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

“Information and Communications Technology” means the convergence of telecommunications, broadcasting, computers, storage and audio-visual systems in order to enable users to create, access, store, transmit and manipulate information ;

“Information and communications technology infrastructure” includes a combination of the following-

- (a) terrestrial, submarine and satellite Information and communications technology network equipment;
- (b) Information and communications technology cable installations;
- (c) masts or towers;

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- (d) antenna and feeder systems;
- (e) real estate such as sites, buildings and associated site management systems; and
- (f) utilities such as power plants, air plants, distribution frames, racks, or water;

“information and communications technology Networks” means a collection of information and communications technology infrastructure, interconnected by communications channels to allow sharing of information, resources or facilities within the Partner States;

‘open access’ means competitive access to categories of information and communications technology infrastructure;

“Partner States” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, the Republic of Uganda, and any other country granted membership into the Community under Article 3 of the Treaty;

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

“Secretary General” means the Secretary General of the Community provided for under Article 67 of the Treaty;

“Treaty” means the Treaty for the establishment of the East African Community and the annexes and protocols thereto.

Article 2

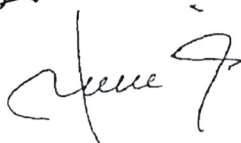
Objective

The objective of this Protocol is to promote the availability, affordability, and quality of information and communications technology services within the Community.

Article 3

Scope of Cooperation

1. This Protocol shall govern the Partner States cooperation for the establishment, management and application of information and communications technology networks.



2. For the purposes of paragraph 1, the Partner States undertake to cooperate in the establishment and management of Information and communications technology networks.

Article 4

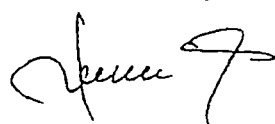
Establishment and Management of information and communications technology Networks

1. The Partner States shall cooperate in the establishment, management and sharing of information and communications technology networks in the Community.
2. For the purposes of paragraph 1, the Partner States shall –
 - (a) promote cross-border interconnection and interoperability of networks;
 - (b) facilitate the sharing of information and communications technology infrastructure;
 - (c) coordinate the sharing of spectrum and numbering; and
 - (d) facilitate open access to information and communications technology networks; and
 - (e) promote the deployment of information and communications technology applications and services in the Governments and businesses of the Partner States including e-government, e-commerce, geospatial information systems, and broadcasting.
3. In implementing this Article, the Partner States shall safeguard the safety and health of humans, animals and plants as well as the quality of the environment.

Article 5

Harmonization of information and communications technology policies, laws and regulations

1. The Partner States undertake to harmonise their information and communications technology policies, laws and programmes to facilitate the achievement of the objectives of this Protocol.
2. The Partner States undertake to provide quality education and training required for strategic leadership, management, research and development and technical skills for information and communications technology networks.



3. The Council shall issue directives for purposes of implementing this Article.

Article 6

General Undertakings

In the implementation of this Protocol, the Partner States undertake to –

- (a) promote the achievement of universal access, especially the linking of islands and land-locked states;
- (b) ensure security and quality of communications;
- (c) facilitate the attainment of public safety, trust, and security in cyberspace; and
- (d) promote partnerships between enterprises, including public private partnerships.

Article 7

Cooperation with Regional and International organizations

The Partner States shall foster cooperation and build partnerships with other countries, and international, regional or global organizations which share the objectives of this Protocol.

Article 8

Institutional Framework

In accordance with the Treaty, the Council shall establish and confer powers and authority upon such institutions as may be necessary for the implementation of this Protocol.

Article 9

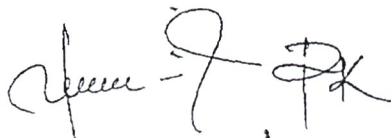
Regulations, Directives and Decisions

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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.



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Amendment of the Protocol

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

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Entry into Force

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

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1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States; and
2. The Secretary General shall register this Protocol with the African Union, the United Nations and such other organisations as the Council may determine.

IN WITNESS WHEREOF, WE, the undersigned have appended our signatures hereto

DONE AT Kigali, Rwanda this 23rd day of August in the year 2013


For and on behalf of the
Republic of Uganda


For and on behalf of the
Republic of Burundi

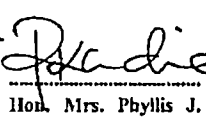
For and on behalf of the
Republic of Kenya

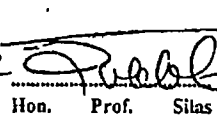
For and on behalf of the
Republic of Rwanda

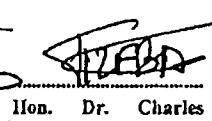
For and on behalf of the
United Republic of
Tanzania

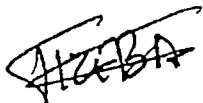

Hon. Abraham
Byambala
Minister
Ministry of Works and
Transport

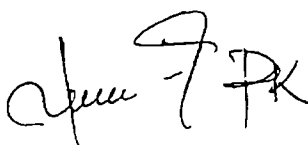

Hon. Leocardie
Ndirizi
Minister
Ministry of
Telecommunications,
Information,
Communications and
Relations with
Parliament


Hon. Mrs. Phyllis J.
Kandie
Cabinet Secretary
Ministry of East
African Affairs,
Commerce & Tourism


Hon. Prof. Silas
LWAKABAMBA
Minister
Ministry
Of Infrastructure


Hon. Dr. Charles
Tizeba, MP
Deputy Minister
Of Ministry of Transport







**CABINET MEMORANDUM ON THE RATIFICATION OF ARTICLE 24 (2)
OF THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST
AFRICAN COMMUNITY CUSTOMS UNION**

1.0 OBJECTIVE OF THE MEMORANDUM

The objective of the memorandum is to request the Cabinet to approve the amendment of Article 24 (2) of the Protocol on the Establishment of the East African Community Customs Union ("the Protocol").

2.0 BACKGROUND OF THE SUBJECT MATTER

The Protocol on the establishment of the EAC Customs Union came into force on 1st January 2005 upon ratification by the three original Partner States before the Republic of Rwanda and Burundi became members of the East African Community. The two Partner States acceded to the Treaty and by extension to the Protocol in 2007.

Article 24(2) of the Protocol establishes the EAC Trade Remedies Committee to among others handle matters pertaining to Rules of Origin, anti-dumping measures, subsidies and countervailing, safeguard measures, dispute settlement and any other matter referred to the Committee by the Council.

The Protocol provides that the Committee shall be composed of nine (9) members, qualified and competent in matters of trade, customs and law. Each Partner State is required to nominate three members to the Committee. However and taking into account the defined numbers, the Republics of Rwanda and Burundi that later acceded to the EAC Treaty are unable to nominate members to the Committee.

It is in this regard that the 10th Ordinary meeting of the Heads of State held on 29th April 2009 approved the amendment of Article 24(2) of the Protocol to accommodate the prevailing number of Partner States.

The 30th meeting of the Council held on 28th November 2014 directed Partner States to deposit with the EAC Secretary General Instruments of

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ratification of the amendment of Article 24 (2) by 15th August 2015. The amendment shall come into force when ratified by all Partner States.

3.0 ANALYSIS OF THE PROBLEM

Article 24(2) of the Protocol in its current form excludes the Republics of Rwanda and Burundi from nominating members to the Trade Remedies Committee. The amendment approved by the Summit provides as follows; "*The Committee shall be composed of members, qualified and competent in matters of trade, customs and law*". The ratification of the amendment is therefore intended to cure this anomaly.

The amendment was done in line with the provisions of Article 150 (6) of the Treaty for the establishment of EAC which provides that "*Any amendment of the Treaty shall be adopted by the Summit and shall enter into force when ratified by all the Partner States.*" It is also consistent with the expansion of the Community through admission of new Partner States.

The operationalization of the Trade Remedies Committee will; enable the Republics of Burundi and Rwanda to be members of the Trade Remedies Committee; ensure adherence to application of the EAC rules of origin; guide subsidies and countervailing measures; regulate safeguard measures; and provide dispute settlement mechanisms. The amendment of the Article will not have any implications on the Constitution of Kenya.

4.0 OPTIONS OF THE WAY FORWARD

Article 150 (6) of the Treaty for the Establishment of the East African Community provides that "*Any amendment of the Treaty shall be adopted by the Summit and shall enter into force when ratified by all the Partner States*". Article 151 of the Treaty further states that the Annexes and the Protocol to the Treaty shall form an integral part of the Treaty.

Since the Summit adopted the amendment to the Protocol and the amendment is consistent with the above Treaty provisions, it is recommended that Kenya ratifies the amendment for it to enter into force thus paving way for The Republics of Burundi and Rwanda to nominate members to Trade Remedies Committee

5.0 FINANCIAL IMPLICATIONS **SECRET**

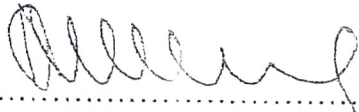
Kenya will be required to contribute towards funding the activities of the Trade Remedies Committee as part of the overall contribution to the operations of the EAC.

6.0 RECOMMENDATIONS TO CABINET

The Cabinet is requested to:

- a) Take note of the contents of this Cabinet Memorandum;
- b) Approve ratification of the amendment to Article 24 (2) of the Protocol;
- c) Direct the Cabinet Secretary, Foreign Affairs and International Trade to submit the amendment of Article 24(2) of the Protocol and a memorandum on ratification of the amendment to Article 24 (2) of the Protocol to the Speaker of the National Assembly; and
- d) Direct the Cabinet Secretaries for East African Affairs, Commerce and Tourism; Foreign Affairs and International Trade; National Treasury and the Attorney General to take the necessary action once the Protocol is ratified.

Signed



.....
Amb. Dr. Amina Mohamed, CAV, CBS
Cabinet Secretary
Ministry of Foreign Affairs and International Trade

22-3-16

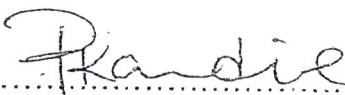
.....
Date



.....
Mr. Henry K. Rotich
Cabinet Secretary
The National Treasury

22-3-2016

.....
Date



.....
Mrs. Phyllis J. Kandie
Cabinet Secretary
Ministry of East African Affairs, Commerce and Tourism

11th November 2015

.....
Date



.....
Prof. Githu Muigai, EGH, SC,
Attorney General

2/4/16

.....
Date

EAST AFRICAN COMMUNITY

EAC Close
P.O. Box 1096
ARUSHA, TANZANIA



Tel: +255-27-2162100/14
Fax: +255-27-2162102/2162191
E-mail: eac@eachq.org
Web: <http://www.eac.int>

THE SECRETARY GENERAL

Our Ref: SGN/4/9
Date: 10th November 2014

Mr. John Oloshuro Konchellah,
Principal Secretary Responsible for East African Affairs,
Ministry of East African Affairs, Commerce and Tourism,
P. O. Box 8846-00200,
Nairobi, KENYA.
Fax No. 005 20 2229650/2252028/253244
E-mail: ps@meac.go.ke

Ms. Joyce Mapunjo,
Permanent Secretary,
Ministry of East African Co-operation,
P.O. Box 9280,
Dar es Salaam, TANZANIA.
Fax No. 022 2120488/2127488/2126651
E-mail: ps@meac.go.tz / akisumo2001@yahoo.com;

Amb. Jean Rigi,
Permanent Secretary,
Ministry to the Office of the President Responsible for EAC Affairs,
P.O. Box 6056,
Bujumbura, BURUNDI.
Fax No. +257 22257384/22258040/22258044
E-mail: jean.rigj@yahoo.fr

Mr. Innocent Safari,
Permanent Secretary,
Ministry of East African Community Affairs,
P.O. Box 179,
Kigali, RWANDA.
Fax No. +250 252 577 653
E-mail: ps@mineac.gov.rw

Mrs. Edith N. Mwanje,
Permanent Secretary,
Ministry of East African Community Affairs,
P.O. Box 3138,
Kampala, UGANDA.
E-mail: meaca@meaca.go.ug / ensajja@yahoo.com



Dear Permanent Secretary,

**RE: RATIFICATION OF THE AMENDMENT OF ARTICLE 24 (2) OF THE PROTOCOL ON
THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION**

At its 10th Ordinary Meeting held on 29th April 2009, the EAC Summit of Heads of State approved the amendment of Article 24 (2) of the Protocol on the Establishment of the East African Community Customs Union. At its Meeting held from 27th October to 1st November 2014, the Sectoral Council on Legal and Judicial Affairs, while considering the operationalization of the EAC Trade Remedies Committee, noted that the Partner States were yet to ratify the amendment of Article 24 (2) of the Protocol.

The Sectoral Council therefore observed the need for the Partner States to expedite the ratification process and to deposit the instruments of ratification by 28th February, 2015 to enable the operationalization of the Trade Remedies Committee.

The purpose of this letter is therefore to submit to Partner States the approved amendment of the Article 24 (2) of the Protocol on the Establishment of the East African Community Customs Union. The text of amendment is attached.

Please accept, Principal / Permanent Secretary, the assurances of my highest consideration.



Charles Njoroge
Deputy Secretary General
(Political Federation)
For: **SECRETARY GENERAL**

**Encl: AMENDMENT OF ARTICLE 24 (2) OF THE PROTOCOL ESTABLISHING THE EAST
AFRICAN COMMUNITY CUSTOMS UNION**



COMMUNIQUE OF THE
10TH ORDINARY SUMMIT OF
EAC HEADS OF STATE

NGURDOTO MOUNTAIN LODGE,
ARUSHA, TANZANIA

29TH APRIL 2009

EAC SECRETARIAT
ARUSHA, TANZANIA
APRIL 2009

EAC SECRETARIAT, P.O. BOX 1096, ARUSHA, TANZANIA
WEBSITE ADDRESS: <http://www.eacq.int>

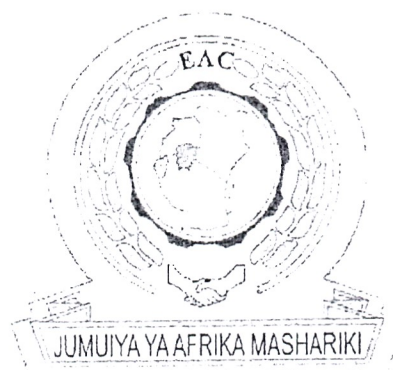
TEL: 255-27-2504253/8 FAX: 255-27-2504281
EMAIL: cas@eacq.org

RATIFICATION OF THE AMENDMENT OF ARTICLE 24 (2) (a) OF THE
PROTOCOL ESTABLISHING THE EAC CUSTOMS UNION

The 10th Summit of Heads of State held at Ngurdoto Mountain Lodge on 29th April 2009 approved the amendment of Article 24 (2) of the Protocol Establishing The EAC Customs Union by deleting the word "nine" appearing in Paragraph (2) (a) of that Article.

The amended provision reads:

"The Committee shall be composed of members, qualified and competent in matters of trade, customs and law."



TENTH SUMMIT OF HEADS OF STATE OF THE EAST AFRICAN COMMUNITY

JOINT COMMUNIQUÉ

- 1 THE EAST AFRICAN COMMUNITY HEADS OF STATE, THEIR EXCELLENCIES PRESIDENT PAUL KAGAME OF THE REPUBLIC OF RWANDA, PRESIDENT JAKAYA MRISHO KIKWETE OF THE UNITED REPUBLIC OF TANZANIA, PRESIDENT PIERRE NKURUNZIZA OF THE REPUBLIC OF BURUNDI, PRESIDENT MWAI KIBAKI OF THE REPUBLIC OF KENYA AND PRESIDENT YOWERI KAGUTA MUSEVENI OF THE REPUBLIC OF UGANDA HELD THE TENTH SUMMIT OF THE EAST AFRICAN COMMUNITY AT THE NGURDOTO MOUNTAIN LODGE IN ARUSHA, TANZANIA ON 29TH APRIL, 2009. THE HEADS OF STATE MET IN A WARM AND CORDIAL ATMOSPHERE UNDER THE CHAIRMANSHIP OF H.E. PRESIDENT PAUL KAGAME.
- 2 THE SUMMIT RECEIVED A PROGRESS REPORT OF THE COUNCIL OF MINISTERS COVERING THE PERIOD JULY 2008 TO APRIL 2009 AND NOTED THE STEADY PROGRESS MADE IN THE COMMUNITY, IN PARTICULAR THE CONSOLIDATION OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION, THE PROGRESS IN THE

NEGOTIATIONS OF THE COMMON MARKET PROTOCOL; AND CONCRETIZATION OF VARIOUS REGIONAL PROJECTS AND PROGRAMMES IN REGIONAL INFRASTRUCTURE DEVELOPMENT, THE PRODUCTIVE AND SOCIAL SECTORS AND CO-OPERATION IN POLITICAL AFFAIRS. THE SUMMIT APPROVED THE PROPOSED AMENDMENT OF THE EAC RULES OF ORIGIN PURSUANT TO ARTICLE 42(2) OF THE PROTOCOL ESTABLISHING THE EAC CUSTOMS UNION; IT ALSO APPROVED THE PROPOSED AMENDMENT OF ARTICLE 24(2) OF THE EAC CUSTOMS UNION PROTOCOL THAT ALLOWS RWANDA AND BURUNDI TO NOMINATE THREE MEMBERS EACH ON THE COMMITTEE ON TRADE REMEDIES.

3 THE SUMMIT CONSIDERED THE REPORT OF THE COUNCIL AND COMMENDED THE WORK BEING UNDERTAKEN BY EAC IN THE IMPLEMENTATION OF VARIOUS PROJECTS AND PROGRAMMES. IN THIS REGARD:-

- i. THE SUMMIT CONSIDERED THE REPORT ON THE PROGRESS OF THE EAC COMMON MARKET NEGOTIATIONS AND TOOK NOTE OF THE ADVANCED STAGE THE NEGOTIATIONS HAVE REACHED. THE SUMMIT CONGRATULATED THE HIGH LEVEL TASK FORCE ON THE COMMON MARKET NEGOTIATIONS FOR THE EXCELLENT WORK WHICH THEY HAVE DONE AND DIRECTED THAT THE PROCESS TOWARDS FINALIZATION OF ANNEXES AS WELL AS THE SECTIONS ON SCOPE AND COMMON TARIFF POLICIES BE FINALIZED SOONEST TO ENABLE THE PROTOCOL TO BE SIGNED IN NOVEMBER 2009. THE SUMMIT FURTHER OBSERVED AS FOLLOWS:

- A) THE DRAFT PROTOCOL ON COMMON MARKET SHALL NOT CONTAIN PROVISIONS WHICH SEEK TO GIVE AUTHORITY TO OVERRIDE NATIONAL POLICIES AND LAWS.
 - B) ON THE DRAFT PROTOCOL'S PROVISIONS RELATING TO THE RIGHT OF ESTABLISHMENT AND PERMANENT RESIDENCE, THE GRANTING OF RELATED RIGHTS TO ACCESS TO LAND AND ESTABLISHMENT SHOULD NOT BE AUTOMATIC BUT SHOULD LAY A BASIS FOR ELIGIBILITY.
 - C) IDENTITY CARDS SHALL NOT CONSTITUTE ACCEPTABLE FORM OF TRAVEL DOCUMENT ON EAC-WIDE BASIS. HOWEVER, PARTNER STATES THAT ARE READY TO USE IDENTITY CARDS AS A TRAVEL DOCUMENT ON A BILATERAL BASIS CAN SO PROCEED.
 - D) THE DRAFT PROTOCOL ON COMMON MARKET SHALL ENSURE FULL PROTECTION OF CROSS-BORDER INVESTMENTS OF EAST AFRICANS.
- ii. THE SUMMIT RECEIVED A REPORT OF THE NATIONAL CONSULTATIVE PROCESS ON FAST TRACKING THE POLITICAL FEDERATION CONDUCTED IN RWANDA AND BURUNDI. THEY HAVE NOTED WITH APPRECIATION THAT THE PEOPLE OF THE TWO NEW PARTNER STATES HAVE INDICATED SUPPORT FOR THE PROCESS. THE SUMMIT DIRECTED THE COUNCIL TO REVIEW THE REPORTS AND SUBMIT CONCRETE RECOMMENDATIONS TO THE SUMMIT AT ITS SITTING IN NOVEMBER, 2009 ON THE WAY FORWARD ON THE ESTABLISHMENT OF THE POLITICAL FEDERATION.

- 4 THE SUMMIT RECEIVED A REPORT OF THE COUNCIL OF MINISTERS RELATING TO A PROPOSAL ON THE ESTABLISHMENT OF AN AFRICAN UNION GOVERNMENT AND TRANSFORMATION OF THE AFRICAN UNION COMMISSION INTO THE AFRICAN UNION AUTHORITY. THE SUMMIT STATED THAT THE ESTABLISHMENT OF THE AFRICAN UNION GOVERNMENT SHOULD BE GRADUAL AND THAT THE REGIONAL ECONOMIC COMMUNITIES SHOULD BE STRENGTHENED AS BUILDING BLOCKS TOWARDS THE REALIZATION OF CONTINENTAL POLITICAL INTEGRATION. THE SUMMIT FURTHER OBSERVED THAT THE OPTION OF RETAINING THE CURRENT NUMBER OF AU COMMISSION EXECUTIVES, RATIONALIZING THEIR PORTFOLIOS AND CHANGING THEIR TITLES FROM AU COMMISSION CHAIRPERSON, VICE CHAIRPERSON AND COMMISSIONERS TO AU AUTHORITY PRESIDENT, VICE PRESIDENT AND SECRETARIES BE ADOPTED.
- 5 THE SUMMIT SWORE IN HON. MR. JUSTICE JAMES OGOOLA AS JUDGE OF THE EAST AFRICAN COURT OF JUSTICE, APPELLATE DIVISION.
- 6 THE SUMMIT APPOINTED MR. ALLOYCE MUTABINGWA FROM THE REPUBLIC OF RWANDA AND MR. JEAN CLAUDE NSENGIYUMVA FROM THE REPUBLIC OF BURUNDI AS DEPUTY SECRETARIES GENERAL OF THE EAST AFRICAN COMMUNITY.
- 7 THE SUMMIT RENEWED THE CONTRACT OF MS. BEATRICE BIRUNGI KIRASO FROM THE REPUBLIC OF UGANDA AS DEPUTY SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY.

- 8 THE SUMMIT RECEIVED A REPORT ON THE EAC INTER-ORGAN STRATEGIC RETREAT THAT TOOK PLACE IN KIGALI FROM 8TH TO 9TH FEBRUARY, 2009. THE SUMMIT CONGRATULATED THE CHAIRPERSON OF THE SUMMIT H.E. PRESIDENT PAUL KAGAME FOR HIS INITIATIVE, LEADERSHIP AND HOSTING OF THE STRATEGIC RETREAT. THE SUMMIT REFERRED THE REPORT OF THE STRATEGIC RETREAT TO THE COUNCIL FOR FURTHER REVIEW AND APPROPRIATE ACTION REGARD BEING HAD TO TREATY PROVISIONS AND BUDGETARY IMPLICATIONS.

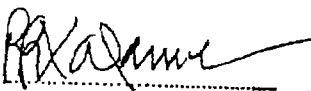
- 9 THE SUMMIT NOTED THE EXPIRY OF THE CONTRACT OF AMBASSADOR JULIUS BAKER ONEN AS DEPUTY SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY. THEY COMMENDED HIM FOR OUTSTANDING AND DEDICATED SERVICE TO THE COMMUNITY AND WISHED HIM SUCCESS IN HIS FUTURE ENDEAVOURS.

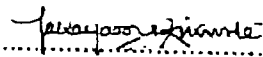
- 10 THE SUMMIT EXTENDED ITS CONGRATULATIONS TO THE AFRICAN NATIONAL CONGRESS OF THE REPUBLIC OF SOUTH AFRICA ON ITS ELECTION VICTORY AND REAFFIRMED SOLIDARITY AND CONTINUED CO-OPERATION WITH THE GOVERNMENT AND PEOPLE OF THE REPUBLIC OF SOUTH AFRICA.

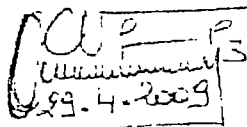
- 11 THE SUMMIT HAS DECIDED THAT THE NEXT SUMMIT MEETING WILL TAKE PLACE IN NOVEMBER THIS YEAR. THUS THE SUMMIT HAS DECIDED THAT H.E. PRESIDENT PAUL KAGAME SHALL CONTINUE AS CHAIR OF THE SUMMIT UNTIL NOVEMBER, THIS YEAR.

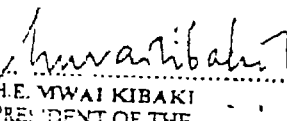
12 THEIR EXCELLENCIES, PRESIDENT PAUL KAGAME, OF THE REPUBLIC OF RWANDA, PRESIDENT PIERRE NKURUNZIZA OF THE REPUBLIC OF BURUNDI, PRESIDENT MWAI KIBAKI OF THE REPUBLIC OF KENYA AND PRESIDENT YOWERI KAGUTA MUSEVENI OF THE REPUBLIC OF UGANDA THANKED THEIR HOST, HIS EXCELLENCY PRESIDENT JAKAYA MRISHO KIKWETE OF THE UNITED REPUBLIC OF TANZANIA FOR THE WARM AND CORDIAL HOSPITALITY EXTENDED TO THEM AND THEIR RESPECTIVE DELEGATIONS DURING THEIR STAY IN ARUSHA.

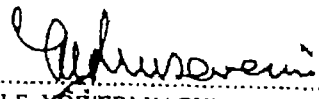
DONE AT ARUSHA, THIS 29TH DAY OF APRIL 2009


.....
H.E. PAUL KAGAME
PRESIDENT OF THE
REPUBLIC OF RWANDA


.....
H.E. JAKAYA MRISHO KIKWETE
PRESIDENT OF THE UNITED
REPUBLIC OF TANZANIA


.....
H.E. PIERRE NKURUNZIZA
PRESIDENT OF THE
REPUBLIC OF BURUNDI


.....
H.E. MWAI KIBAKI
PRESIDENT OF THE
REPUBLIC OF KENYA


.....
H.E. YOWERI KAGUTA MUSEVENI
PRESIDENT OF THE REPUBLIC OF
UGANDA

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ASM/KAM/LS

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IS-RK

see note & follow up with MFA on the same -

② DECA

01 AUG 2016

THE PRESIDENCY
EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Follow-up and ensure that case to be handled urgently.
STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

SECRET

28th July, 2016

Ref. No. OP/CAB.58/4A
and date

Amb. Monica Kathina Juma, DPhil, CBS
Principal Secretary
Ministry of Foreign Affairs
NAIROBI.

Dr. Kamau Thugge, CBS
Principal Secretary
The National Treasury
NAIROBI.

Dr. Khadijah Kassachon, CBS
Principal Secretary/Labour
Ministry of East African Community (EAC), Labour and Social Protection
NAIROBI.

Ms. Susan Nyamoita Mochache
Principal Secretary/Social Protection
Ministry of East African Community (EAC), Labour and Social Protection
NAIROBI.

Ms. Betty Chemutai Maina ✓
Principal Secretary/EAC Integration
Ministry of East African Community (EAC), Labour and Social Protection
NAIROBI.

Mr. Njee Muturi, CBS
Solicitor General,
State Law Office and Department of Justice,
NAIROBI.

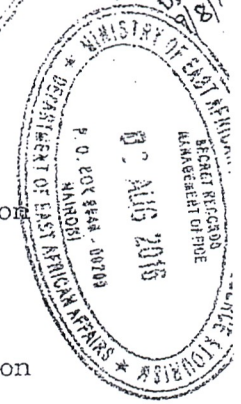
Dear *Ms Maina,*

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*Mr. Njee
Please let us
check if MCA
is taking any
action
DEA
03/08/2016*



*DEA
Followed up
with MFA
communication
yet to be
merged to the
legal unit of
MFA
DECA
02/08/16*



02 AUG 2016

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RE: CABINET MEMORANDUM ON THE RATIFICATION OF ARTICLE 24(2) OF THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION

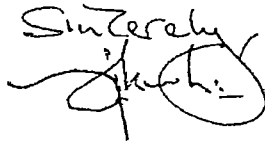
I refer to the **Sixth Cabinet Meeting 2016**, held on **28th July 2016**, during which Cabinet Memorandum **CAB(16)41**, jointly submitted by the Cabinet Secretary for Foreign Affairs, the Cabinet Secretary for the National Treasury, the Cabinet Secretary for East African Community, Labour, & Social Protection, and the Attorney General was presented and discussed.

I wish to inform you that Cabinet **noted** the contents of the Memorandum and:

- (i) **Approved** ratification of the Amendment to Article 24(2) of the Protocol.
- (ii) **Directed** the Cabinet Secretary for Foreign Affairs to submit the Amendment of Article 24(2) of the Protocol and Memorandum of the Amendment to Article 24(2) of the Protocol to Parliament for ratification.
- (iii) **Directed** the Cabinet Secretary for Foreign Affairs, the Cabinet Secretary for the National Treasury, and the Cabinet Secretary for East African Community, Labour, & Social Protection and the Attorney General to take appropriate action.

Please proceed and initiate action as directed by Cabinet.

Yours



JOSEPH K. KINYUA, EGH
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Copy to:

Amb. Amina Mohammed, EGH, CAV
Cabinet Secretary
Ministry of Foreign Affairs
NAIROBI.

SECRET

SECRET

Mr. Henry K. Rotich, EGH
Cabinet Secretary
The National Treasury
NAIROBI.

Mrs. Phyllis Jepkosgei Kiping'or Kandie, EGH
Cabinet Secretary
Ministry of East African Community (EAC), Labour and Social Protection
NAIROBI.

Prof. Githu Muigai, EGH
Attorney-General
State Law Office and Department of Justice
NAIROBI.

SECRET

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