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REPUBLIC OF KENYA



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THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT
(SECOND SESSION)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	27 NOV 2018
	DAY: TUESDAY
TABLED BY:	HON. RUMWIDA OBI, MP VICE CHAIRPERSON
CLERK-AT THE-TABLE:	A. Shibuske

REPORT OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION

ON

CONSIDERATION OF EAST AFRICAN COMMUNITY PROTOCOL ON
INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS

Directorate of Committee Services
National Assembly
Parliament Buildings
NAIROBI

November, 2018

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LIST OF ABBREVIATIONS/ACRONYMS

EAC	East Africa Community
EAC-BIN Network	East African Community Broadband Infrastructure Network
ICT	Information and Communication Networks
KCB	Kenya Commercial Bank
MOU	Memorandum of Understanding
NCIP	Northern Corridor Integration Projects

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CHAIRPERSON'S FOREWORD

On 27th February, 2018, the Leader of the Majority Party in the National Assembly tabled a Cabinet Memorandum on Information and Communications Technology EAC networks in the House for consideration and ratification pursuant to the provisions of Articles 89, 99 and 151 of the Treaty Making and Ratification Act, 2012.

The Cabinet Memorandum was subsequently committed to the Committee on Regional Integration for consideration and report to the House. Once ratified, the Protocol becomes part of our Kenyan laws as provided for in Article 2(6) of the Constitution “any treaty or convention ratified by Kenya shall form part of the Law of Kenya under this Constitution”.

Background for the enactment of EAC protocol on Information and Communication Technology Networks

The EAC Protocol on Information and Communication Technology Networks was developed through a consultative process involving stakeholders in all the Partner States and the Protocol was signed by the Ministers during the 10th Sectoral Council on Transport Communications and Meteorology in 2013.

In line with Treaty Making and Ratification Act 2012, the Protocol was sent to the Cabinet for approval before being sent to the National Assembly; EAC Partner State reports progress in every Council & Sectoral Council Meeting. It is therefore prerequisite that all the EAC Partner States must ratify the Protocol before it can be implemented.

Committee Proceedings

In consideration of the Protocol on Information and Communication Technology networks, the Committee observed that EAC has provided opportunities for Kenya's Private Sector which includes Banks namely Kenya Commercial Bank (KCB) and Equity Bank, Super Markets namely Nakumatt and Uchumi, and Education Sector namely Mt Kenya University hence the need to have reliable and high speed ICT networks to link the headquarters of Nairobi -Kigali, Nairobi - Bujumbura, Nairobi - Arusha, Nairobi – Dar es Salaam, and Nairobi – Kampala.

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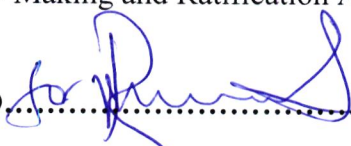
The Committee therefore observed that the private sector needs to be facilitated with reliable ICT interconnections to promote Kenya's economic interests.

The Committee also observed that EAC has developed a legal framework for cyber laws which provides guidelines on the enactment and enforcement of laws that promote the deployment of e-government and e-commerce services. Two sets of such frameworks have been developed, Cyber laws Phase 1 (Framework 1) and cyber laws Phase II (Framework II) whereas Framework I deals with Electronic Transactions; Electronic signatures Authentications, Cybercrime, Consumer protection, and Data protection and privacy while Framework II deals with Intellectual property; Competition, E-taxation, and Information Security.

The Committee further observed that ICT has opened up new windows of opportunity for East African countries as tools that can accelerate their economic growth and development and the lack of a framework for interconnecting regional ICT Infrastructure Networks presents a challenge in the development of the ICT sector leading to high tariffs and poor rural communications whereby the digital divide between the rural and urban populations still exists.

The Committee therefore recommends ratification of the East African Community Protocol on Information Communication and Technology networks in order to facilitate the successful operation and cross-border interconnection of broadband ICT networks.

On behalf of the Select Committee on Regional Integration and pursuant to provisions of Standing Order 199 (6), it is my pleasant duty and privilege to present to this House the Report of the Committee on its consideration of the EAC Protocol on Information and Communication Technology Networks for consideration and approval by the House Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

SIGNED 

DATE.....

HON. NAISULA LESUUDA, OGW, MP
CHAIRPERSON, SELECT COMMITTEE ON REGIONAL INTEGRATION

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EXECUTIVE SUMMARY

This report contains the Committee's recommendation on the consideration of East African Community Protocol on Information and Communication Networks. While processing the above Protocol, the Committee met with the Ministry of East African Community and Northern Corridor Development and noted the following:

The main objective of EAC, as contained in the EAC Treaty, is to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit. (Art 5 (1)).

Partner States are required to undertake to evolve co-ordinated, harmonized and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community (Art 89) and also to:

- i. improve and maintain inter-connectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community (Art 99 (b));
- ii. harmonize and apply non-discriminatory tariffs among themselves and where possible, agree on preferential tariff treatment applicable within the Community; -Art 99(c);
- iii. co-operate and co-ordinate their activities in the maintenance of telecommunications facilities including training and the exchange of manpower; Art 99(d);and
- iv. adopt a common frequency management and monitoring scheme, assign mutually agreed upon frequencies for cross-border mobile radio communications and issue operating licenses agreed upon by the Partner States - Art 99(g).

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Partner States had 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 – Art 151.

The Committee also noted that the contents of the memorandum will have an effect in the harmonization of information and communication technology policies, laws and regulations. The Committee as well, noted that in order to implement the Protocol, the Republic of Kenya was expected to cooperate with other Partner States in providing mandate to agree and cooperate in order to improve and maintain interconnectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community. The Committee therefore recommends ratification of the EAC Protocol on Information Communication and Technology Networks.

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1.0 PREFACE

The East Africa Community Protocol on Information Communication and Technology Networks is premised on Article 5 of the Treaty for the Establishment of the East African Community providing for the objectives of the Community which are among others, to develop policies and programmes aimed at widening and deepening co-operation among partner states. Further, the Protocol is founded on Article 89 of the Treaty providing for the need for each partner state 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 Person States and promote the full exploitation of the market and investment opportunities created by the Community;

Specifically, the Protocol seeks to mandate the partner states to agree to cooperate to improve and maintain interconnectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community.

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2.0 INTRODUCTION

The Committee on Regional Integration is established under the National Assembly Standing Order 212 which sets out the mandate of the Committee. The Committee was constituted in December 2017 following adoption of a motion on membership of committees by the House. The Committee comprises of 23 members who will serve for the life of the 12th Parliament.

2.1 Committee Membership

1. Hon. Naisula Lesuuda, M.P, OGW - **Chairperson**
2. Hon. Capt. Ruweida Mohamed, M.P – **Vice Chairperson**
3. Hon. William Kamket, M.P.
4. Hon. Kubai Iringo, M.P
5. Hon. Ndindi Nyoro, M.P.
6. Hon. Abdi Mude Ibrahim, M.P
7. Hon. Nasri Sahal Ibrahim, M.P
8. Hon. Kassim Tandaza, M.P
9. Hon. Ali Wario Guyo, M.P.
10. Hon. Memusi Ole Kanchory, M.P
11. Hon. Janet Ong'era, M.P.
12. Hon. Dr. Gideon Ochanda, M.P.
13. Hon. Mathias Robi, M.P
14. Hon. Janet Teiyaa, M.P
15. Hon. Geoffrey Omuse, M.P
16. Hon. Joyce Emanikor, M.P
17. Hon. Gideon Keter, M.P
18. Hon. Rozaah Buyu, M.P
19. Hon. Ezekiel Ombaki, M.P
20. Hon. Christopher Nakuleu, M.P
21. Hon. Eve Obara, M.P
22. Hon. Malulu Injendi, M.P
23. Hon. Erastus Nzioka, M.P

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2.2 Committee Secretariat

1. Mr. Abenayo Wasike Senior Clerk Assistant
2. Ms. Ruth Mwhaki Clerk Assistant III
3. Dr. Kefa Omoti Principal Research Officer
4. Ms. Christine Odhiambo Legal Counsel
5. Mr. Boniface Mugambi Sergeant at arms

2.3 Committee Mandate

As provided for in Standing Order 212, the Committee is mandated to carry out the following functions:

1. Enhance the involvement of the National Assembly in intensification and development of the integration process in the East African Community and the greater African region;
2. Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
3. Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
4. Examine records of relevant debates and resolutions of Pan African Parliament, the African Caribbean and Pacific- European Union Joint Parliamentary Assembly and other regional bodies;
5. Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

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3.0 BACKGROUND

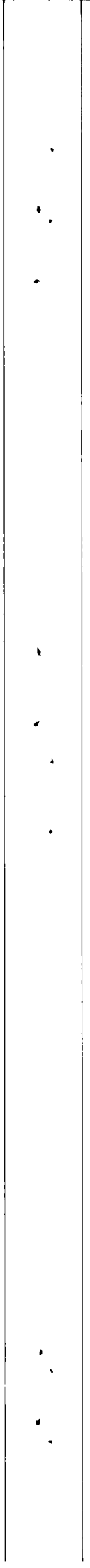
The East African Community (EAC) is a regional inter-governmental organization established under Article 2 of the Treaty for the Establishment of the East African Community that came into force in July 2000. The EAC is made up of the six Partner states namely; United Republic of Tanzania, Republic of Uganda, Republic of Rwanda, Republic of Kenya, Republic of Burundi, and Republic of Southern Sudan.

The objectives of the Community include developing policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security, legal and judicial affairs, for their mutual benefit as set out in Article 5(1) of the Treaty.

The Protocol was founded based on a Memorandum of Understanding (MOU) between ministers in charge of the Partner States of the Northern Corridor Integration Projects (NCIP) namely Rwanda, Uganda, Kenya, & Southern Sudan in March 2015 which established to facilitate cooperation between the Partner States with regard to implementing activities that promote cooperation and collaboration on cyber security.

The Protocol was drafted in line with Article 151 of the Treaty which empowers Partner States to establish Protocols as are necessary in the areas of cooperation, Articles 5(3) (f) and 124 underscore that peace and security are pre-requisites to social and economic development within the community. The Partner states subjected the Protocol through due process as summarized below:

1. EAC Secretariat initiated a study on the East African Community Broadband ICT Infrastructure Network (EAC-BIN).
2. EAC Protocol on ICT was developed through a consultative process involving stakeholders in all the Partner States;



3. The Protocol on Information Communication and Technology Networks was signed by the Ministers during the 10th Sectoral Council on Transport Communications and Meteorology in 2013;
4. Before it can be implemented, all the EAC Partner States must ratify it;
5. In line with Treaty Making and Ratification Act 2012, the Protocol was sent to the Cabinet for approval before being sent to the National Assembly;
6. EAC Partner State reports progress in every Council & Sectoral Council Meeting
7. By January 2015, all EAC countries had switched their terrestrial broadcast systems from analog technologies to digital technologies;
8. Digital terrestrial broadcasting offer several advantages over analog broadcasting;
9. Besides providing more broadcast channels, digital broadcasting offers more services than can be provided by analog technologies.

3.1.1 Constitutional Implications

The Protocol proposes no amendments to the Constitution of Kenya, 2010. It is in line with the principles of the Constitution and specifically seeks to mandate the partner states to agree to cooperate to improve and maintain interconnectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community.

3.1.2 Obligations imposed on Kenya by the Protocol

Since Kenya had already ratified and domesticated the EAC Treaty through the EAC Community Act, 2000, it is also obligated to ratify all the treaty's annexes pursuant to Article 151(4).

3.1.3 Requirements for implementation of the Protocol

The Protocol will be implemented by the National Government organs/institutions as provided for under Article 15 of the protocol.

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3.1.4 Analysis of the Articles

The protocol is divided into 13 Articles as follows

1. Article 1 is the interpretative Article of the Protocol;
2. Article 2 provides for the objective of the Protocol which is to promote the availability, affordability, and quality of information and communications technology services within the Community;
3. Article 3 provides for the scope of cooperation;
4. Article 4 provides that Partner States shall cooperate in the establishment, management and sharing of information and communication technology networks in the Community;
5. Article 5 provides that Partner States undertake to harmonize their information and communications technology policies, laws and programmes to facilitate the achievement of the objectives of the Protocol; and provide quality education and training required for strategic leadership, management, research and development and technical skills for information and communication technology networks;
6. Article 6 provides for general undertakings in the implementation of the Protocol;
7. Article 7 provides for cooperation with Regional and International organizations;
8. Article 8 provides for Institutional Framework for the effective implementation of the Protocol;
9. Article 9 provides for Regulations, Directives and Decisions necessary for the effective implementation of the Protocol;
10. Article 10 provides for Dispute Settlement;
11. Article 11 provides for amendment of the Protocol;
12. Article 12 provides for joint operations in controlling and preventing transnational and cross-border crimes; and
13. Article 13 provides for depositary and Ratification.

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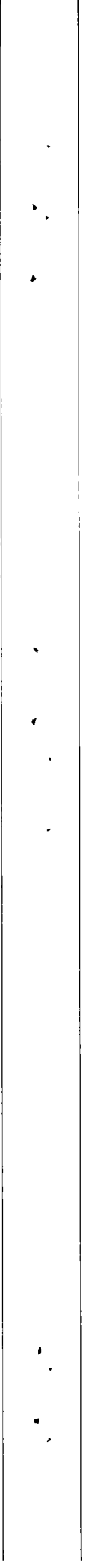
4.0 PRESENTATION BY THE MINISTRY OF EAST AFRICAN COMMUNITY AND NORTHERN CORRIDOR DEVELOPMENT

The meeting was informed that the main objective of EAC is to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit. (Art 5 (1))

The meeting was also informed that the Partner States are required to undertake to evolve co-ordinated, harmonized and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community (Art 89) and also to:

1. improve and maintain inter-connectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community (Art 99 (b));
2. harmonize and apply non-discriminatory tariffs among themselves and where possible, agree on preferential tariff treatment applicable within the Community; -Art 99(c);
3. co-operate and co-ordinate their activities in the maintenance of telecommunications facilities including training and the exchange of manpower; Art 99(d); and
4. adopt a common frequency management and monitoring scheme, assign mutually agreed upon frequencies for cross-border mobile radio communications and issue operating licenses agreed upon by the Partner States - Art 99(g).

The meeting was further informed that the Partner States had 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 – Art 151.



5.0 OBSERVATIONS

The Committee made the following observations;

1. EAC has provided opportunities for the Kenya's Private Sector which included Banks namely Kenya Commercial Bank (KCB) and Equity Bank, Super Markets namely Nakumatt and Uchumi, and Education Sector namely Mt Kenya University hence the need to have reliable and high speed ICT networks to link headquarters of Nairobi -Kigali, Nairobi - Bujumbura, Nairobi - Arusha, Nairobi - Dar es Salaam, and Nairobi – Kampala. The Committee therefore observed that the private sector needs to be facilitated with reliable ICT interconnections to promote Kenya's economic interests.
2. EAC has developed a legal framework for cyber laws which provides guidelines on the enactment and enforcement of laws that promote the deployment of e-government and e-commerce services. Two sets of such frameworks have been developed, Cyber laws Phase 1 (Framework 1) and cyber laws Phase II (Framework II) whereas Framework I deals with Electronic Transactions; Electronic signatures Authentications, Cybercrime, Consumer protection, and Data protection and privacy while Framework II deals with Intellectual property; Competition, E-taxation, and Information Security.
3. Information Communication and Technology (ICT) has opened up new windows of opportunity for East African countries as tools that can accelerate their economic growth and development and the lack of a framework for interconnecting regional ICT.
4. Infrastructure Networks presents a challenge in the development of the ICT sector leading to high tariffs and poor rural communications whereby the digital divide between the rural and urban populations still exists.
5. There is direct cost anticipated in the course of implementation but there is potential for cost saving arising from sharing of information and equipment, which would avoid duplication among partner states.

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6.0 RECOMMENDATION

The Committee recommends ratification of the East African Community Protocol on Information Communication and Technology Networks as it would facilitate the successful operation and cross-border interconnection of broadband ICT networks in the East African Community.

SIGNED *FOR*  DATE *22/11/2018*

HON. NAISULA LESUUDA, OGW, MP
CHAIRPERSON

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KENYA NATIONAL ASSEMBLY
TWELFTH PARLIAMENT

SELECT COMMITTEE ON REGIONAL INTEGRATION

MEMBERS' ATTENDANCE

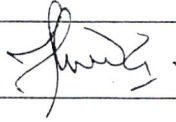
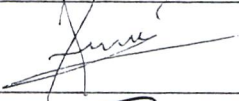

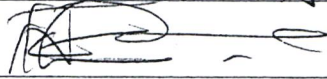
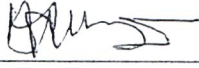
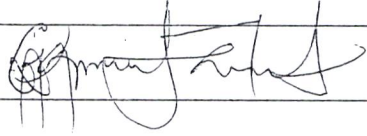
Date: 31ST JULY, 2018 (11:30 A.M)

Venue: MEMBERS LOUNGE (NEW WING)

Agenda

ADOPTION OF REPORTS ON EAC-ICT PROTOCOL & NAMANGA ONE STOP BORDER POST FACILITY

	NAMES	SIGNATURE
1.	Hon. Naisula Lesuuda, M.P, OGW (Chairperson)	
2.	Hon. Capt. Ruweida Mohamed, M.P (Vice-Chairperson)	
3.	Hon. Christopher Nakuleu, M.P	
4.	Hon. Kubai Iringo, M.P	
5.	Hon. Memusi Ole Kanchory, M.P	
6.	Hon. Janet Teyiaa, M.P	
7.	Hon. Joyce Emanikor, M.P	
8.	Hon. Eve Obara, M.P	
9.	Hon. Ezekiel Ombaki, M.P	
10.	Hon. Janet Ong'era M.P	
11.	Hon. Mathias Robi, M.P	
12.	Hon. Rozaah Buyu, M.P	

13.	Hon. Malulu Injendi, M.P	
14.	Hon. Dr. Gideon Ochanda, M.P	
15.	Hon. Nasri Ibrahim, M.P	
16.	Hon. Ali Wario, M.P	
17.	Hon. Abdi Mude Ibrahim, M.P	
18.	Hon. Erastus Nzioka, M.P	
19.	Hon. William Kamket, M.P	
20.	Hon. Ndindi Nyoro, M.P	
21.	Hon. Kassim Tandaza, M.P	
22.	Hon. Gideon Keter, M.P	
23.	Hon. Geoffrey Omuse, M.P	

For: The Clerk of the National Assembly

MINUTES OF THE FORTY-SECOND SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 31ST JULY, 2018 IN SMALL DINING (NEW LOUNGE) AT 10.00 A.M.

PRESENT

1. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
2. Hon. Ali Wario Guyo, M.P.
3. Hon. Mathias Robi, M.P
4. Hon. Dr. Gideon Ochanda, M.P.
5. Hon. Gideon Keter, M.P
6. Hon. Erastus Kivasu, MP
7. Hon. Malulu Injendi, M.P
8. Hon. William Kamket, M.P.
9. Hon. Ezekiel Ombaki, MP
10. Hon. Ndindi Nyoro, M.P.
11. Hon. Abdi Mude Ibrahim, MP
12. Hon. Memusi Kanchory, MP

APOLOGIES

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Nasri Sahal Ibrahim, MP
3. Hon. Kassim Tandaza, MP
4. Hon. Eve Obara, M.P
5. Hon. Geoffrey Omuse, M.P
6. Hon. Janet Teiyaa, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Joyce Emanikor, MP
9. Hon. Sen. Janet Onge'ra, MP
10. Hon. Kubai Iringo, MP

ABSENT

Hon. Christopher Nakuleu, MP

SECRETARIAT

- | | | |
|---------------------------|---|----------------------|
| 1. Ms. Hellen Ekadeli | - | Clerk Assistant |
| 2. Ms. Mary Lemerelle | - | Clerk Assistant |
| 3. Dr. Kefa Omoti | - | Principal Researcher |
| 4. Ms. Christine Odhiambo | - | Legal Counsel |

MINUTE NO. RIC/2018/160

PRELIMINARIES

The Vice Chairperson called the meeting to order at 10.15 a.m. and a prayer was said. The agenda of the meeting was confirmed being the consideration of reports on the Protocol on ICT Networks and Namanga One Stop Border Post inspection visit.

MINUTE NO. RIC/2018/161

REPORT ON THE PROTOCOL ON ICT NETWORKS

The Committee was taken through the report and noted that the Protocol was founded based on a Memorandum of Understanding (MOU) between Ministers in charge of the Partner States of the Northern Corridor Integration Projects which established to facilitate cooperation between the Partner States with regard to implementing activities that promote cooperation and collaboration on cyber security.

In considering the report, the Committee made the following observations:-

1. That, EAC has provided opportunities for the Kenya's Private Sector (Banks, Supermarkets and Education sector) with reliable and high speed ICT networks to link headquarters of each Partner States and hence there is need for the private sector to be facilitated with reliable ICT interconnectivity to promote Kenya's economic interests.
2. That, EAC has developed a legal framework for cyber laws which provides guidelines on the enactment and enforcement of laws that promote the deployment of e-government and e-commerce services. Two sets of such laws have been developed, Cyber Laws Phase 1 and Cyber Laws Phase 2.
3. That, Information Communication and Technology has opened up new windows of opportunity for east African countries as tools that can accelerate their economic growth and development and the lack of a framework for interconnecting regional ICT.
4. That, Infrastructure Networks presents a challenge in the development of the ICT sector leading to high tariffs and poor rural communications whereby the digital divide between the rural and urban populations still exists.
5. That, there is direct cost anticipated in the course of implementation but there is potential for cost saving arising from sharing of information and equipment, which would avoid duplication among Partner States.

In conclusion, the Committee recommended the ratification of the East African Community Protocol on Information Communication and Technology Networks as it would facilitate the successful operation and cross border interconnection of broadband ICT networks in the East African Community.

The Report was adopted having been proposed and seconded by the Hon. William Kamket, M.P. and Hon. Gideon Keter, MP respectively.

The Committee considered the report on the inspection visit to Namanga One Stop Border Post and observed the following:-

1. That, there is need for better enforcement of various laws and conventions due to improve understanding of different agencies' mandate and the value of uniform application of procedures at different borders within Partner States.
2. That, there is a general lack of harmonized charges/fees on import permits by various other government agencies; for example Veterinary and Kenya Plant Health Inspectorate Services, as charged by Partner States. Non-tariffs barriers such as levies and fees imposed on small scale traders' exports from Tanzania.
3. That, there is need for more funds to cater for sustainable maintenance/repair of the One Stop Border Post.
4. That, authorities need to anchor the Joint Border Coordinating Committee Meetings under the EAC framework to ensure structured engagement.
5. That, the EAC spirit not fully embraced by the neighbouring Partner States. The Committee also observed the border community livestock issue was handled crudely and that the action taken had created a rift between the two Partner States.
6. The Committee recommended that:-
7. The Ministry of East African Community and Northern Corridor Development should initiate and coordinate harmonization of laws on policies to be followed by the government agencies to allow for mutual trade and harmonized charges/fees on import permits.
8. The Committee identified the need to relook at the laws on coverage area of EAC free movement of locals in order to allow the Communities living within the radius of fifteen kilometres to move freely without being subjected to the rigors of the movement permits.
9. The Ministry of EAC and Northern Corridor development in collaboration with relevant stakeholders to urgently facilitate standardization of rules, laws and operationalization of all border point procedures.
10. Affirmative action be applied in employment of the local youth.
11. The Ministry of Youth Affairs to train and facilitate the County Youths to register companies and apply for tenders advertised at the One Stop Border Post facility in Namanga.
12. The status quo of co-existence between the local community and the Namanga Border Post facility to be maintained to enhance integration and trade.

The Report was adopted having been proposed and seconded by the Hon. Erastus Kivasu, M.P. and Hon. Dr. Gideon Ochanda, MP respectively.

MINUTE NO. RIC/2018/163 ANY OTHER BUSINESS

The Committee resolved the following:

1. Secretariat to provide updated list of upcoming trips as well as members who have travelled and those who have not travelled
2. Committee meetings to be held at 11.30am every Tuesday and Thursday
3. Secretariat to come up with a 10day programme to tour LAPPSET projects from Lamu-Nairobi-Isiolo-Moyale-Adis Ababa

MINUTE NO. RIC/2018/164 ADJOURNMENT

The meeting adjourned at eleven thirty o'clock.

SIGNED 

(Chairperson)

DATE 02/08/2018

MINUTES OF THE THIRTY-SECOND SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON MONDAY 29TH MAY, 2018 AT ENGLISH POINT MARINA HOTEL IN MOMBASA AT 2.30 P.M.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Mathias Robi, M.P
4. Hon. Malulu Injendi, M.P
5. Hon. Joyce Emanikor, MP
6. Hon. Gideon Keter, M.P
7. Hon. William Kamket, M.P.
8. Hon. Ndindi Nyoro, M.P.
9. Hon. Memusi Kanchory, MP
10. Hon. Sen. Janet Onge'ra, MP
11. Hon. Eve Obara, MP
12. Hon. Kubai Iringo, MP
13. Hon. Abdi Mude Ibrahim, MP
14. Hon. Erastus Kivisu, MP
15. Hon. Kassim Tandaza, MP

APOLOGIES

1. Hon. Ali Wario Guyo, M.P.
2. Hon. Dr. Gideon Ochanda, M.P.
3. Hon. Geoffrey Omuse, M.P
4. Hon. Janet Teiyaa, MP
5. Hon. Nasri Sahal Ibrahim, MP
6. Hon. Rozaah Buyu, MP
7. Hon. Ezekiel Ombaki, MP

ABSENT

Hon. Christopher Nakuleu, MP

IN – ATTENDANCE

MINISTRY OF EAST AFRICAN COMMUNITY AND NORTHERN CORRIDOR DEVELOPMENT

- | | | |
|------------------------|---|--------------------------------|
| 1. Hon. Ken Obura | - | Chief Administrative Secretary |
| 2. Mr. Julius Mwabu | - | Deputy Director |
| 3. Ms. Winnie Cheserem | - | Principal State Counsel |
| 4. Mr. Mark Ogut | - | Senior Ass. Director |

SECRETARIAT

- | | | |
|---------------------------|---|-----------------|
| 1. Ms. Hellen Ekadeli | - | Clerk Assistant |
| 2. Ms. Mary Lemerelle | - | Clerk Assistant |
| 3. Ms. Christine Odhiambo | - | Legal Counsel |
| 4. Mr. James Kimiti | - | Audio Officer |

MINUTE NO. RIC/2018/118

PRESENTATION ON THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS

i. Analogue to digital broadcasting

The meeting was informed that all EAC countries had switched their terrestrial broadcast systems from analog to digital technologies in January 2015. The meeting was also informed on the advantages of digital terrestrial broadcasting over analog broadcasting that besides providing more broadcast channels, digital broadcasting offers more services than can be provided by analog technologies in inter-connectivity and has modernized equipment to meet the common standards required for efficient telecommunications traffic within the Community (Art 99 (b))

i. Harmonized EAC roaming charges

The meeting was informed that all Partner States had agreed (in Principle) to implement One Network Area by 15th July 2015 and three Partner States; Kenya, Uganda and Rwanda have already implemented the One Area Network, having citizens benefit with reduced rates when in the participating Partner States.

ii. EAC Interconnectivity

The meeting was informed that ICT has opened up new windows of opportunity for East African countries as tools that can accelerate their economic growth and development and lack of a framework for interconnecting regional ICT Infrastructure Networks presents a challenge in the development of the ICT sector leading to high tariffs and poor rural communications whereby the digital divide between the rural and urban populations still exists.

iii. Highlights of the Protocol

The following highlights were presented in the EAC Protocol:

- a. Objectives: to promote the availability, affordability, and quality of information and communications technology services within the Community. –Art 2
- b. Scope: Govern Partner States in establishment, management and application of information and communications technology networks – Art 3

- c. The Partner States shall cooperate in the establishment, management and sharing of information and communications technology networks in the Community.- Art 4.1
- d. Art 4.2: For the purposes of paragraph 1, the Partner States shall promote cross-border interconnection and interoperability of networks; facilitate the sharing of information and communications technology infrastructure; coordinate the sharing of spectrum and numbering; and facilitate open access to information and communications technology networks; and 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.

iv. Provisions of the Protocol

The following were presented as the provisions of the protocol:

- a. 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. Art 5.1
- b. Art. 6: In the implementation of this Protocol, the Partner States undertake to –
 - Promote the achievement of universal access, especially the linking of islands and land-locked states;
 - Ensure security and quality of communications;
 - Facilitate the attainment of public safety, trust, and security in cyberspace; and
 - Promote partnerships between enterprises, including public private partnerships.
- c. 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- Art 7

v. Implementation of the EAC Protocol on ICT networks

The meeting was informed that in implementing the protocol on ICT networks, in accordance to EAC treaty Art 8, the Council shall establish and confer powers and authority and shall from time to time make regulations, issue directives and make decisions as may be necessary for the effective implementation of the Protocol.

The meeting was further informed that the Treaty emphasizes on the principle of “subsidiarity”, which emphasizes on multi- level participation of a wide range of participants in the process of economic integration; National level institutions will therefore continue to serve their national needs. There is therefore direct cost anticipated in the course of implementation. However, the

meeting was informed of potential for cost saving arising from sharing of information and equipment, which would avoid duplication among partner states

Recommendation to the National Assembly

The meeting was informed that it was required that National assembly approves the ratification of the EAC Protocol on ICT.

MINUTE NO. RIC/2018/119 ADJOURNMENT

There being no other business, the meeting adjourned at twenty minutes past four o'clock.

SIGNED..... *FER* 

(Chairperson)

DATE..... *30/5/2018*

**MINUTES OF THE THIRTY-FIRST SITTING OF THE SELECT COMMITTEE ON
REGIONAL INTEGRATION HELD ON MONDAY 29TH MAY, 2018 AT ENGLISH
POINT MARINA HOTEL IN MOMBASA AT 9.30 A.M.**

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Mathias Robi, M.P
4. Hon. Malulu Injendi, M.P
5. Hon. Joyce Emanikor, MP
6. Hon. Gideon Keter, M.P
7. Hon. William Kamket, M.P.
8. Hon. Ndindi Nyoro, M.P.
9. Hon. Memusi Kanchory, MP
10. Hon. Sen. Janet Onge'ra, MP
11. Hon. Eve Obara, MP
12. Hon. Kubai Iringo, MP
13. Hon. Abdi Mude Ibrahim, MP
14. Hon. Erastus Kivisu, MP
15. Hon. Kassim Tandaza, MP

APOLOGIES

1. Hon. Ali Wario Guyo, M.P.
2. Hon. Dr. Gideon Ochanda, M.P.
3. Hon. Geoffrey Omuse, M.P
4. Hon. Janet Teiyaa, MP
5. Hon. Nasri Sahal Ibrahim, MP
6. Hon. Rozaah Buyu, MP
7. Hon. Ezekiel Ombaki, MP

ABSENT

Hon. Christopher Nakuleu, MP

IN – ATTENDANCE

MINISTRY OF EAST AFRICAN COMMUNITY AND NORTHERN CORRIDOR

DEVELOPMENT

- | | | |
|------------------------|---|--------------------------------|
| 1. Hon. Ken Obura | - | Chief Administrative Secretary |
| 2. Mr. Julius Mwabu | - | Deputy Director |
| 3. Ms. Winnie Cheserem | - | Principal State Counsel |
| 4. Mr. Mark Ogut | - | Senior Ass. Director |

SECRETARIAT

- | | | |
|---------------------------|---|-----------------|
| 1. Ms. Hellen Ekadeli | - | Clerk Assistant |
| 2. Ms. Mary Lemerelle | - | Clerk Assistant |
| 3. Ms. Christine Odhiambo | - | Legal Counsel |
| 4. Mr. James Kimiti | - | Audio Officer |

MINUTE NO. RIC/2018/115

PRELIMINARIES

The meeting commenced at 9.40am with prayer said by the Vice Chairperson, Hon. Capt. Ruweida Mohamed, M.P and thereafter an officer from the Ministry of East African Community and Northern Corridor Development was invited to give presentations on the EAC Protocol on ICT networks.

MINUTE NO. RIC/2018/116

PRESENTATION ON THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS

The assistant Director Productive and Services Affairs in the Ministry of East African Community and Northern Corridor Development, Mr. Julius Mwabu made presentations on the East African Community Protocol on Information and Communication Technology Networks.

The meeting was informed that the main objective of EAC is to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. (Art 5 (1))

The meeting was also informed that the Partner States are required to undertake to evolve co-ordinated, harmonised and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of

furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community (Art 89) and also to:

- i. improve and maintain inter-connectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community (Art 99 (b))
- ii. harmonise and apply non-discriminatory tariffs among themselves and where possible, agree on preferential tariff treatment applicable within the Community; -Art 99(c)
- iii. co-operate and co-ordinate their activities in the maintenance of telecommunications facilities including training and the exchange of manpower; Art 99(d)
- iv. adopt a common frequency management and monitoring scheme, assign mutually agreed upon frequencies for cross-border mobile radio communications and issue operating licences agreed upon by the Partner States - Art 99(g)

The meeting was further informed that the Partner States had 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 – Art 151;

BACKGROUND OF THE EAC PROTOCOL ON ICT NETWORKS

EAC Secretariat initiated a study on the East African Community Broadband ICT Infrastructure Network (EAC-BIN).

The report of the study recommended that Partner States conclude a protocol on ICT networks in order to facilitate the successful operation and cross-border interconnection of broadband ICT networks

1. Development of the ICT Protocol

- i. EAC Protocol on ICT was developed through a consultative process involving stakeholders in all the Partner States;
- ii. The Protocol on was signed by the Ministers during the 10th Sectoral Council on Transport Communications and Meteorology in 2013;
- iii. Before it can be implemented, all the EAC Partner States must ratify it;
- iv. In line with Treaty Making and Ratification Act 2012, the Protocol was sent to the Cabinet for approval before being sent to the National Assembly;
- v. EAC Partner State reports progress in every Council & Sectoral Council Meeting

2. Achievements related to ICT in EAC

- i. The EAC has provided opportunities for the Kenya's Private Sector (Banks : KCB and Equity Bank; Super Markets (Nakumatt and Uchumi , Education Sector : Mt Kenya University)
- ii. The Need to have reliable and high speed ICT networks to link headquarters (Nairobi - Kigali, Nairobi - Bujumbura, Nairobi - Arusha, Nairobi - Dar es Salaam, Nairobi - Kampala)
- iii. The private sector therefore needs to be facilitated with reliable ICT interconnections to promote Kenya's economic interests

3. Cyber Laws

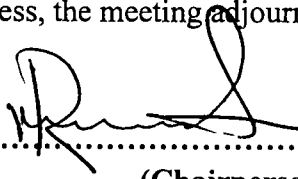
- i. EAC has developed a legal framework for cyber laws which provides guidelines on the enactment and enforcement of laws that promote the deployment of e-government and e-commerce services.
- ii. Two sets of such frameworks have been developed. Cyber laws Phase 1 (Framework 1) and cyber laws Phase II (Framework II).
- iii. Framework I: Electronic Transactions; Electronic signatures Authentications; Cybercrime; Consumer protection; and Data protection and privacy.
- iv. Framework II: Intellectual property; Competition; E-taxation; and Information Security.

MINUTE NO. RIC/2018/117

ADJOURNMENT

There being no other business, the meeting adjourned at fifteen minutes to one o'clock.

SIGNED FOR



(Chairperson)

DATE.....

30/5/2018

W. Lokwang



EAST AFRICAN COMMUNITY PROTOCOL ON
INFORMATION AND COMMUNICATIONS TECHNOLOGY
NETWORKS

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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;

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;

- (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

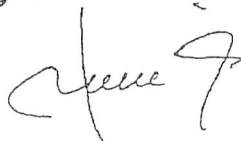
Objective

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

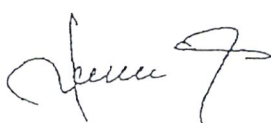
Establishment and Management of information and communications technology Networks

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

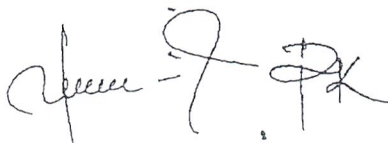
Regulations, Directives and Decisions

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 10

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 11

Amendment of the Protocol

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

Article 12

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 13

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; 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

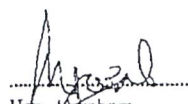
For and on behalf of the
Republic of Uganda

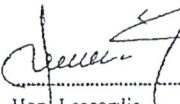
For and on behalf of the
Republic of Burundi

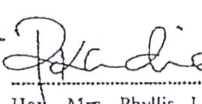
For and on behalf of the
Republic of Kenya

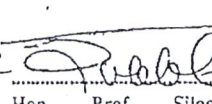
For and on behalf of the
Republic of Rwanda

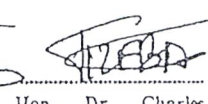
For and on behalf of the
United Republic of
Tanzania

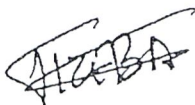

Hon. Kabamuzi
Banyulala
Minister
Ministry of Works and
Transport

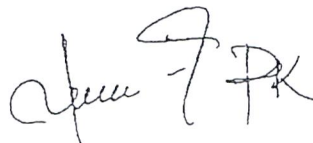

Hon. Leocardie
Ndirakobuca
Minister
Ministry of
Telecommunications,
Information,
Communications and
Relations with
Parliament


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


Hon. Prof. Sitas
LWAKABAMBA
Minister
Ministry
Of Infrastructure


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







REPUBLIC OF KENYA

SECRET

CAB (16) 41

COPY No. 43

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

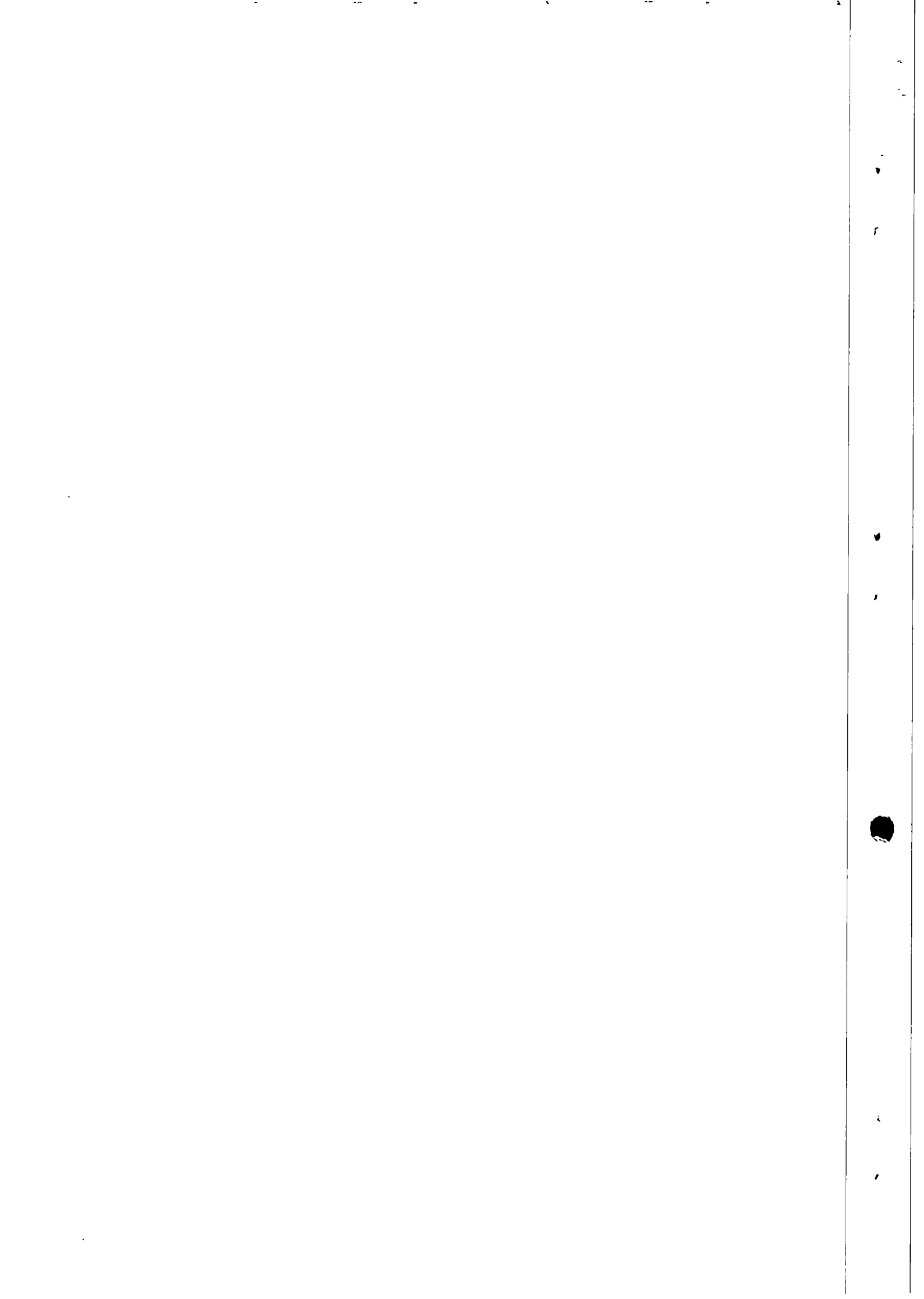
11th November 2015

Date

Prof. Githu Muigai, EGH, SC,
Attorney General

2/4/16

Date



EAST AFRICAN COMMUNITY

EAC Close
P.O. Box 1096
ARUSHA, TANZANIA



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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 Oloishuro 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.rigi@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



COMMUNIQUÉ 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: ecr@a.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.

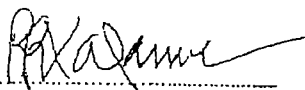
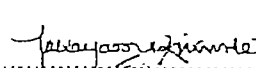
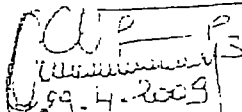
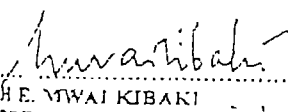
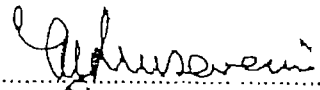
9 THE SUMMIT NOTED THE EXPIRY OF THE CONTRACT OF AMBASSADOR JULIUS BAKER ONEN AS DEPUTY SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY. THEY COMMENDED HIM FOR OUTSTANDING AND DEDICATED SERVICE TO THE COMMUNITY AND WISHED HIM SUCCESS IN HIS FUTURE ENDEAVOURS.

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	

13

Adm/CA/IS

IS - RK

25th
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has note & follow up with mfa on the same -

② DCA



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

Follow up and ensure that goes to Parliament

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

SECRET

STATE HOUSE
P.O. Box 40530-00100

Nairobi, Kenya

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

28th July, 2016

20.....

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.

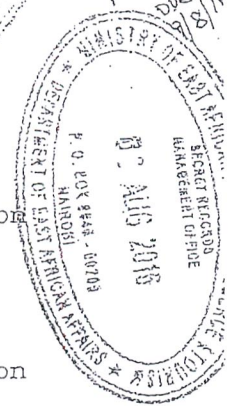
Mr. Njee Muturi, CBS
Solicitor General,
State Law Office and Department of Justice,
NAIROBI.

Dear Ms Maina,

Mr Njee
Please let us
check if MCA
is taking any
action
DEA
02/08/2016



DEA
Followed up with on FA communication yet to be merged to the legal unit of mfa



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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

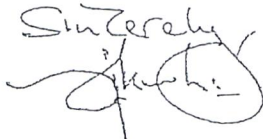
I refer to the Sixth Cabinet Meeting 2016, held on 28th July 2016, during which Cabinet Memorandum CAB(16)41, jointly submitted by the Cabinet Secretary for Foreign Affairs, the Cabinet Secretary for the National Treasury, the Cabinet Secretary for East African Community, Labour, & Social Protection,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

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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

