

Approved for tabling.

REPUBLIC OF KENYA



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THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT
(SECOND SESSION)

THE SELECT COMMITTEE ON REGIONAL INTEGRATION

PARLIAMENT
OF KENYA
LIBRARY

REPORT

ON CONSIDERATION OF:

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) NO 2
BILL, 2018

AND

THE ADMINISTRATION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY
(AMENDMENT) BILL, 2018

Directorate of Committee Services
National Assembly
Parliament Buildings
NAIROBI

NOVEMBER, 2018

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CHAIRPERSON'S FOREWORD

The East African Community Customs Management (Amendment), No. 2 Bill, 2018 and the Administration of the East African Legislative Assembly (Amendment), Bill 2018 were introduced to the Legislative Assembly at the 5th meeting of the 1st Session of the Legislative Assembly held in Nairobi from 27th May to 15th June, 2018. The two Bills were subsequently forwarded to the Kenya National Assembly on 12th July, 2018 pursuant to the provisions of Article 65(b) of the Treaty for establishment of the East African Community.

The Bills were tabled before the Kenya National Assembly on Thursday July 26th 2018 and committed to the Committee for consideration in accordance with the provisions of Standing Order 212.

The Committee considered the Bills in its sittings held on Thursday 16th August and Tuesday 28th August 2018. The Committee also invited and received submissions from the Principal Secretary, Ministry of East African Community and Northern Corridor Development on Wednesday, 5th September, 2018 during a joint retreat with the Ministry in Mombasa.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its mandate efficiently and within the required timelines.

On behalf of the Select Committee on Regional Integration and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the East Africa Legislative Assembly Bills on customs management and administration of EALA for noting and any other necessary action.

HON. NAISULA LESUUDA, OGW, MP

EXECUTIVE SUMMARY

This report contains the Committee's resolution on its consideration of the East African Community Customs Management (Amendment), No. 2 Bill, 2018 and the Administration of the East African Legislative Assembly (Amendment), Bill 2018.

During consideration of the Bills, the Committee noted that the proposed amendments in the Administration of the East African Legislative Assembly (Amendment), Bill 2018 are inconsistent with the Treaty for the Establishment of the East African Community. The committee observed that the proposed amendments are *ultra vires* the provisions of Article 150 of the Treaty which stipulates procedural requirements for amendment of the Treaty under the said Article.

The Committee also noted that the proposals had already been withdrawn from the Assembly after the Council successfully moved a motion for the suspension of the Bill pending clarification on the conditionality of the financial and administrative autonomy for both EALA and the EACJ in compliance with the Treaty and the 33rd Meeting of the Council of ministers decision on the matter.

The Committee therefore recommends that the ongoing consultations be concluded for proper guidance on the way forward in administration of the Assembly.

On the East African Community Customs Management (Amendment)(No.2) Bill,2018, the Committee recommends the amendment as proposed as it will help in detecting high risk consignments prior to arrival of the carrier vessel to allow the administration to take appropriate action on such consignments and expedite clearance of legitimate cargo.

The Committee further notes that the amendment has positive impact of identifying and controlling entry of counterfeit goods into the Market.

1.0 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.

1.1 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

1.2 Committee Secretariat

- | | |
|---------------------------|----------------------------|
| 1. Mr. Abenayo Wasike | Senior Clerk Assistant |
| 2. Ms. Ruth Mwihaki | Clerk Assistant III |
| 3. Dr. Kefa Omoti | Principal Research Officer |
| 4. Mr. Edison Odhiambo | Fiscal Analyst |
| 5. Ms. Christine Odhiambo | Legal Counsel |
| 6. Mr. Boniface Mugambi | Sergeant at arms |

1.3 Committee Mandate

As provided for in Standing Order 212 (2), the Committee is mandated to;

- (a) 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;
- (b) Examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
- (c) Examine the Bills introduced in the East African legislative Assembly and Acts of the East African Community;
- (d) 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;
- (e) Inquire into and examine any other matter relating to regional integration generally requiring action by the House;

2.0 COMMITTEE CONSIDERATION OF THE REPORTS AND BILLS

The Committee held four sittings where it was briefed on the Bills read a First time during the 5th meeting of the 1st session East African Legislative Assembly. The Bills under references were;

- (a) The East African Community Customs Management (Amendment) (No. 2) Bill, 2018
- (b) The Administration of the East African Legislative Assembly(Amendment)Bill, 2018

2.1 Consideration of the EAC Customs Management (Amendment)(No.2) Bill 2018.

The Committee considered the Bill and noted that:

- (a) The Object of the Bill is to amend 24 (1) of the EAC Customs Management Act to require a master or agent of a vessel to provide proper Officer advance information relating to the goods carried by the vessel before departure from the last port of call.
- (b) The original provision was for customs officers to make report on information relating to the goods carried by a vessel at any port or any other place allowed by the Customs officer.
- (c) The import of the amendment is to allow custom administration receive advance information regarding goods being moved across national borders ahead of arrival of the vessel carrying the goods.
- (d) The amendment seeks to facilitate the ability of customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the goods to enable the customs administrations to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.
- (e) The Committee observed that it is currently not possible to detect the consignments in vessels which have opened the market to counterfeit goods leading to flooding of markets with counterfeits. This amendment was therefore timely as it allows customs officers to know the goods vessels are carrying and where necessary reject them even before they depart from their port of last call.

2.2 Consideration of the Administration of the East African Legislative Assembly (Amendment) Bill, 2018

The Committee considered the Bill and noted that the object of the Bill is to amend the Administration of East African Legislative Assembly Act, 2012 to provide for the Assembly to be wholly responsible for its administrative and financial affairs. It is meant to streamline the functions of the Commission in order to support the financial and administrative autonomy of the Assembly and provide for other related matters.

Clause by Clause consideration

The Committee further noted the following:

Clause 2

The amendment seeks to provide more specificity as to what is to be termed as the staff rules and regulations. The original provision gives power to the council to make staff rules and regulations

and financial rules and regulations of the community. The amendment proposes to give the Commission power to recommend to the council rules that will be applicable specifically to the staff of the assembly.

Clause 3

The amendment seeks to give the Commission corporate status to enable it act as a legal entity on its own.

Clause 4

The amendment seeks to give the commission power to appoint the Clerk, Deputy Clerk and other officer of the Assembly. The amendment also proposes that the Commission shall make its recommendations directly to the Assembly and not to the Council and that the Commission shall exercise disciplinary control over staff of the Assembly

Clause 5- New section

The section gives the commission the power to establish such committees as may be necessary for the efficient discharge of its functions

Clause 6

The amendment gives the commission the power to review the terms and conditions of service of members of the Assembly. In term of the original provision, the Commission could only make recommendations to the Council

Clause 7

The amendment gives the Commission the power to create and abolish offices within the Assembly. In terms of the original provision, the commission could only make recommendations to the Council.

Clause 8

The amendment removes the obligation of the commission to consult with the secretary general on matters relating to operations of bank accounts of the Assembly

Clause 9

The amendment gives the assembly the power to make financial rules and regulations for the Assembly. Under the original provision, the power was vested in the council upon the recommendation of the Commission

Clause 10- New section

The section gives the assembly power to make regulations relating to the assembly

Clause 11

Repeals section 20 of the Act which is not applicable following reconstitution of the legislative assembly.

The Committee observed that there were some ambiguities in the some of the proposals which needed clarification.

3.0 SUBMISSIONS BY THE MINISTRY OF EAST AFRICAN COMMUNITY AND NORTHERN CORRIDOR DEVELOPMENT

The Principal Secretary, Ministry of East African Community and Northern Corridor Development Dr. Susan Koech, briefed the committee on the EAC Customs Management (Amendment) Bill 2018 and the Administration of the East African Legislative Assembly (Amendment) Bill, 2018 and informed the Committee as follows:

3.1 The EAC Customs Management (Amendment)(No.2), Bill 2018.

- (a) This is a Council Bill to allow Customs Administrations to receive advance information regarding goods moving across national borders well ahead of the arrival of the carrier vessel.
- (b) The Bill proposes to amend Section 24(1) (a) of the EAC Customs Management Act to require a Master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.
- (c) The amendment is intended to improve the ability of the Customs Administrations in detecting high risk consignments well ahead of the arrival of the carrier vessel to allow the administration to take appropriate action on such consignments and expedite clearance of the legitimate cargo.

3.2 The Administration of the East African Legislative Assembly (Amendment) Bill, 2018

1. This is a Private Member's Bill which seeks to fundamentally amend the Administration of the East African Legislative Assembly Act, 2011, among others, it seeks to change the functions of the Council of Ministers and vest them in the Assembly. Specifically, the Bill proposes to:
 - (a) Clause 4(d) - Empowers the Assembly as the appointing authority for the Clerk, the Deputy Clerk and other officers of the Assembly;
 - (b) Clause 4(e) -Empower the Commission to make recommendations to the Assembly on salaried and other terms and conditions of service of the Clerk and other officers of the Assembly
 - (c) Recommend to the Assembly, Rules and Regulations of the Staff of the Assembly;
 - (d) Create, abolish, classify or re-designate offices for the efficient functioning of the Assembly.

- (e) Review and determine from time to time the terms and conditions of staff of the Assembly and make proposals to the Council for review of terms and conditions of service of members of the Assembly.
2. The implications of the proposed amendments are inconsistent with the Treaty for Establishment of the East African Community in Article 48(4). The Treaty provides that the Council shall appoint a Clerk of the Assembly and other Officers of the Assembly whose salaries and other terms and conditions of service shall be determined by the Council. It is therefore not feasible for the Community to enact a law that contradicts Article 48(4) of the Treaty as suggested in the Bill.
 3. Article 51 (2) of the Treaty provides that the terms and conditions of service of the members of the Assembly shall be determined by the Summit on recommendation of the Council. In relation to the preceding provision, Article 49 (2) of the Treaty provides that the Assembly shall recommend to the Council the appointment of the Clerk and other officers of the Assembly.
 4. Provisions of the Treaty cannot be amended through the proposed amendments because the Treaty provides a procedure for its amendment under Article 150 and which does not include the proposed enactments. It is important to note that the treaty has been amended two times since its entry into Force on 7th July, 2000
 5. In respect to the foregoing, the Council in exercise of its policy mandate under Article 14 of the Treaty, has since constituted an EAC Ad hoc Service Commission to carry out workload analysis & job evaluation exercise whose outcome may determine staff numbers for the Assembly and the Court. There is an ongoing initiative by the Ministers of Finance to map the resources available to the Community with appropriate staff numbers including staff in the Assembly- under the EAC sustainable financing study.
 6. The Council successfully moved a motion for the suspension of the Bill pending clarification on the conditionality of the financial and administrative autonomy for both EALA and the EACJ in compliance with the Treaty and the 33rd Meeting of the Council of Ministers decision on the matter.

4.0 COMMITTEE'S OBSERVATIONS ON;

4.1 The Administration of the East African Legislative Assembly (Amendment) Bill, 2018

The Committee observed as follows;

- (a) The Bill under consideration had been withdrawn by the Council.
- (b) The amendments are inconsistent with Article 150 of the Treaty for the Establishment of the East African Community on procedure for its amendment.
- (c) In order to address the inadequacies in the current Act, the Council in exercise of its policy mandate under Article 14 of the Treaty, has since constituted an EAC Ad hoc Service Commission to carry out workload analysis & job evaluation exercise whose outcome may determine staff numbers for the Assembly and the Court. There is an ongoing initiative by the Ministers of Finance to map the resource available to the Community with appropriate staff numbers including staff in the Assembly- under the EAC sustainable financing study.

1.2 The EAC Customs Management (Amendment)(No.2) Bill of 2018

The Committee observes that:

- (a) The proposed amendment will allow Customs Administrations to receive advance information regarding goods moving across national borders well ahead of the arrival of the carrier vessel.
- (b) The Amendment will enable customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the goods to enable the customs administrations to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.
- (c) The amendment will also help reduce incidences of flooding the market with Counterfeit goods as it helps detect such cargo on time.

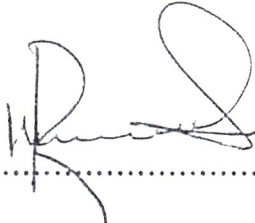
5.0 COMMITTEE'S RECOMMENDATIONS ON-

5.1 The EAC Customs Management (Amendment) Bill 2018

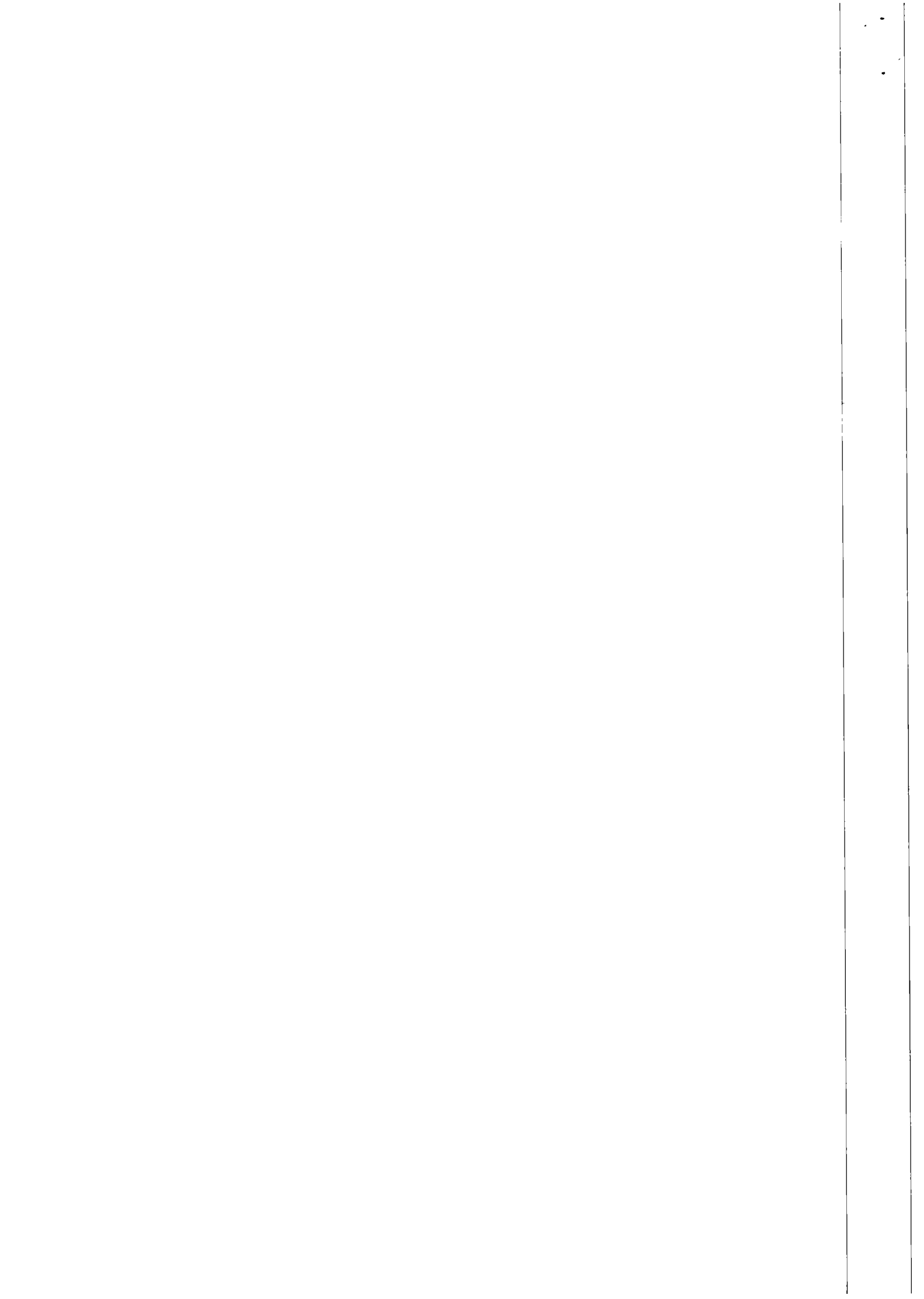
The Committee recommends adoption of the proposed amendment to improve the ability of the Customs Administrations in detecting high risk consignments well ahead of the arrival of the carrier vessels and allow the administration to take appropriate action on such consignments and expedite clearance of the legitimate cargo.

5.2 The Administration of the East African Legislative Assembly (Amendment) Bill, 2018

The Committee recommends adoption of the decision by the Councils to suspend the Bill pending clarification on the condition of financial and administrative autonomy for both EALA and the EACJ in compliance with the Treaty and the 33rd Meeting of the Council of ministers decision on the matter.

Signed *FOR*  Date *22/11/2018*

Hon. Naisula Lesuuda, OGW, MP
Chairperson
Committee on Regional Integration



KENYA NATIONAL ASSEMBLY
TWELFTH PARLIAMENT

COMMITTEE ON REGIONAL INTEGRATION

REGISTER

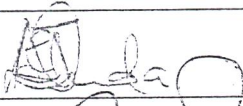

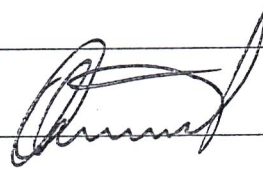
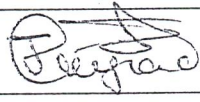
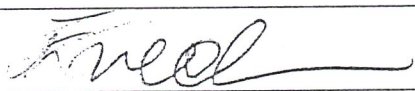

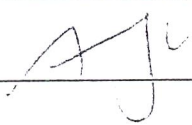
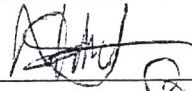
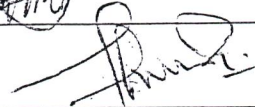
Adoption of the Report on the East African Community Budgetary Proposals for the 2018/2019 FY and the Supplementary Estimates for the 2017/2018 FY

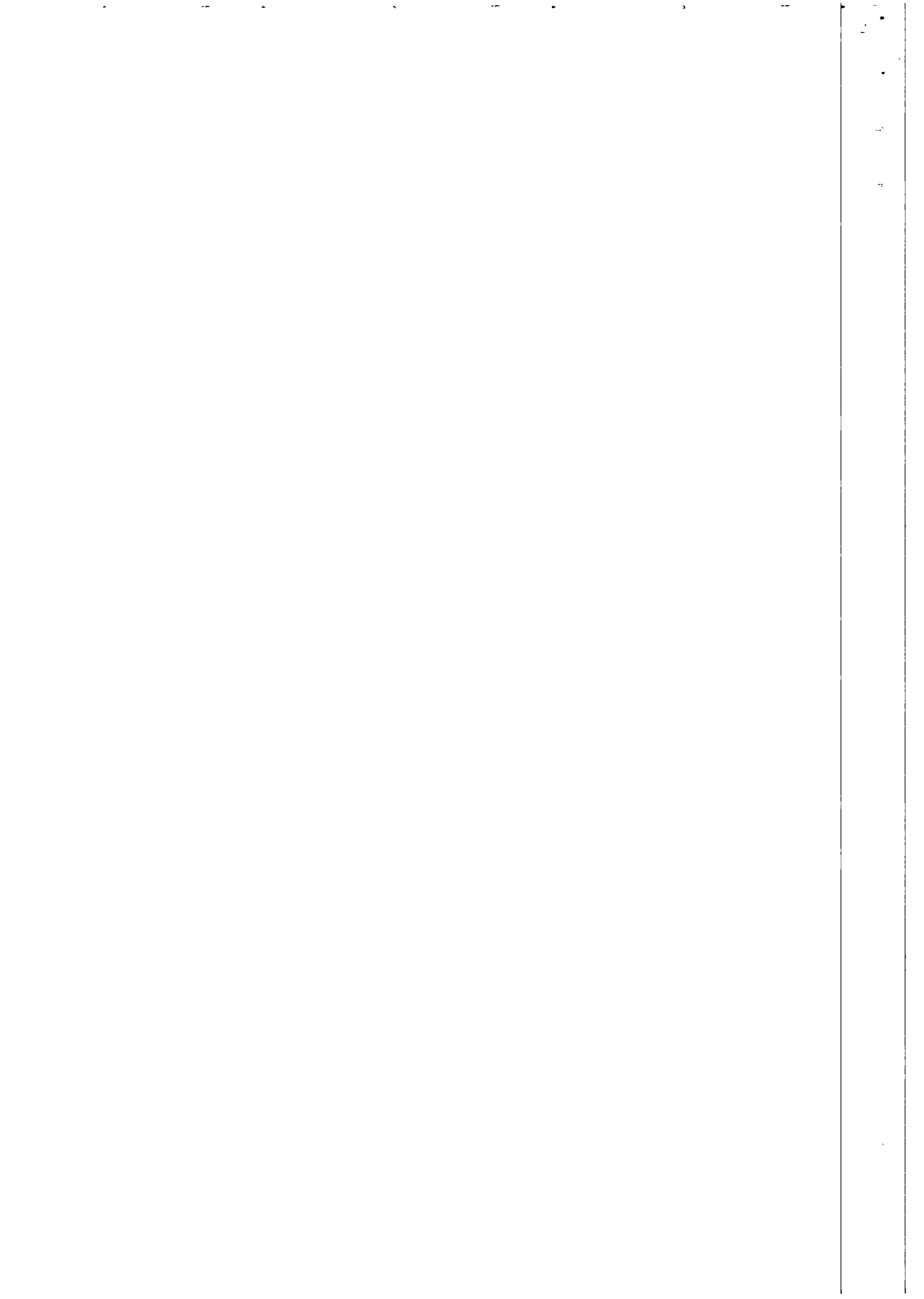
Adoption of the Report on the East African Community Customs Management (Amendment) No. 2 Bill of 2018 and the Administration of the EALA (Amendment) Bill, 2018

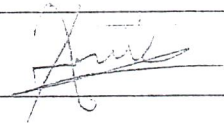
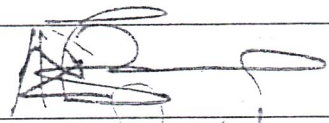


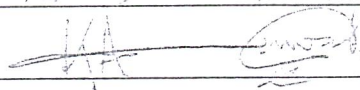

DATE 16 Oct 2018

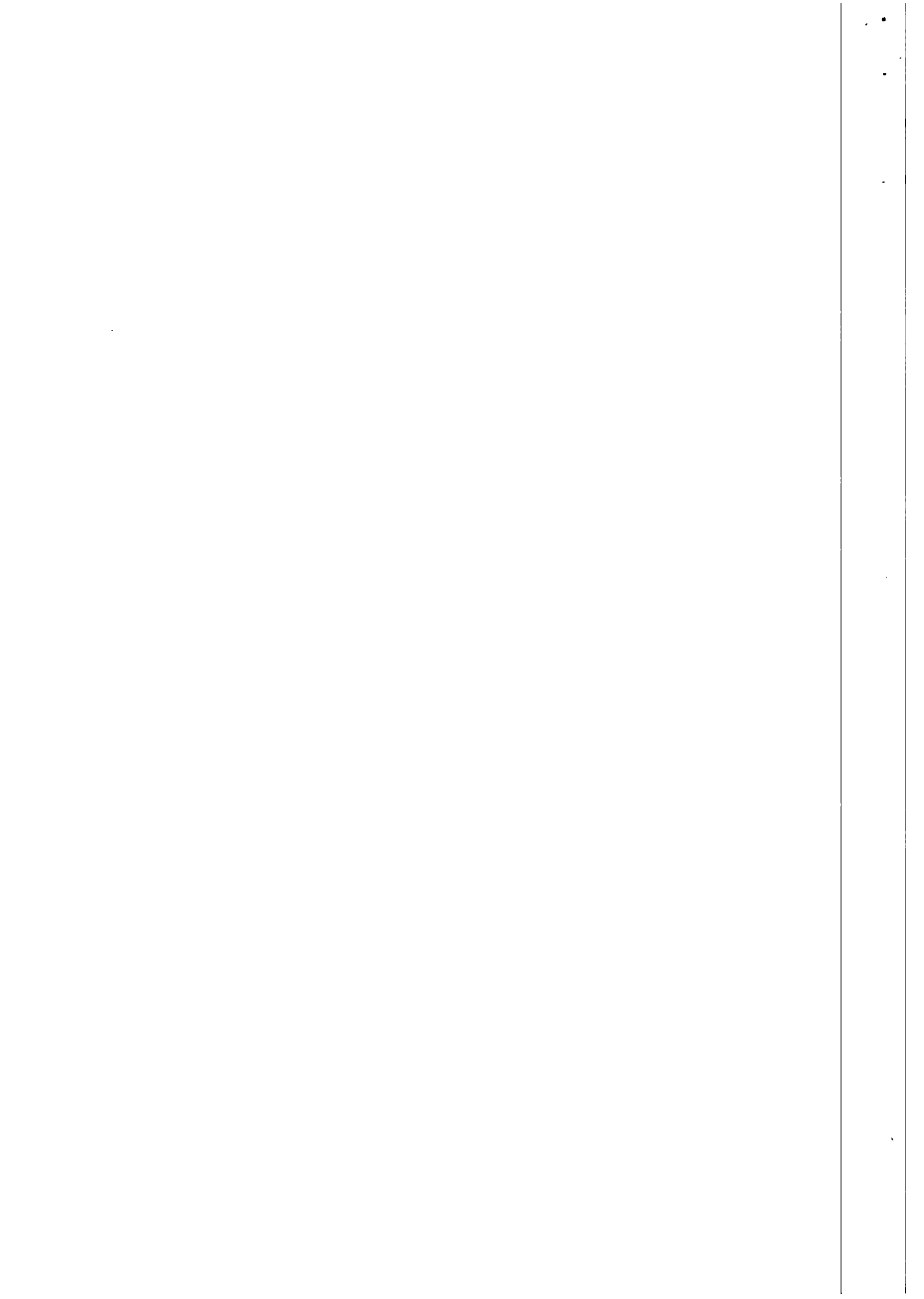
TIME 11.30am

VENUE 1th Floor, Protea Hotel

	NAME	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. Nasri Ibrahim, M.P	
15.	Hon. Dr. Gideon Ochanda, 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	



MINUTES OF THE FIFTY SIXTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON TUESDAY 16TH OCTOBER, 2018 IN THE BOARD ROOM ON 11TH FLOOR, PROTECTION HOUSE AT 11.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kassim Tandaza, MP
4. Hon. Kubai Iringo, MP
5. Hon. Nasri Sahal Ibrahim, MP
6. Hon. William Kamket, M.P.
7. Hon. Ndindi Nyoro, M.P.
8. Hon. Dr. Gideon Ochanda, M.P.
9. Hon. Ali Wario Guyo, M.P.
10. Hon. Eve Obara, M.P
11. Hon. Janet Teiyaa, MP
12. Hon. Rozaah Buyu, MP
13. Hon. Geoffrey Omuse, M.P
14. Hon. Erastus Kivasu Nzioka, MP
15. Hon. Mathias Robi, M.P

ABSENT WITH APOLOGIES

1. Hon. Malulu Injendi, M.P
2. Hon. Memusi Ole Kanchory, MP
3. Hon. Joyce Emanikor, MP
4. Hon. Sen. Janet Onge'ra, MP
5. Hon. Abdi Mude Ibrahim, MP
6. Hon. Ezekiel Ombaki, MP

ABSENT

1. Hon. Gideon Keter, M.P
2. Hon. Christopher Nakuleu, MP

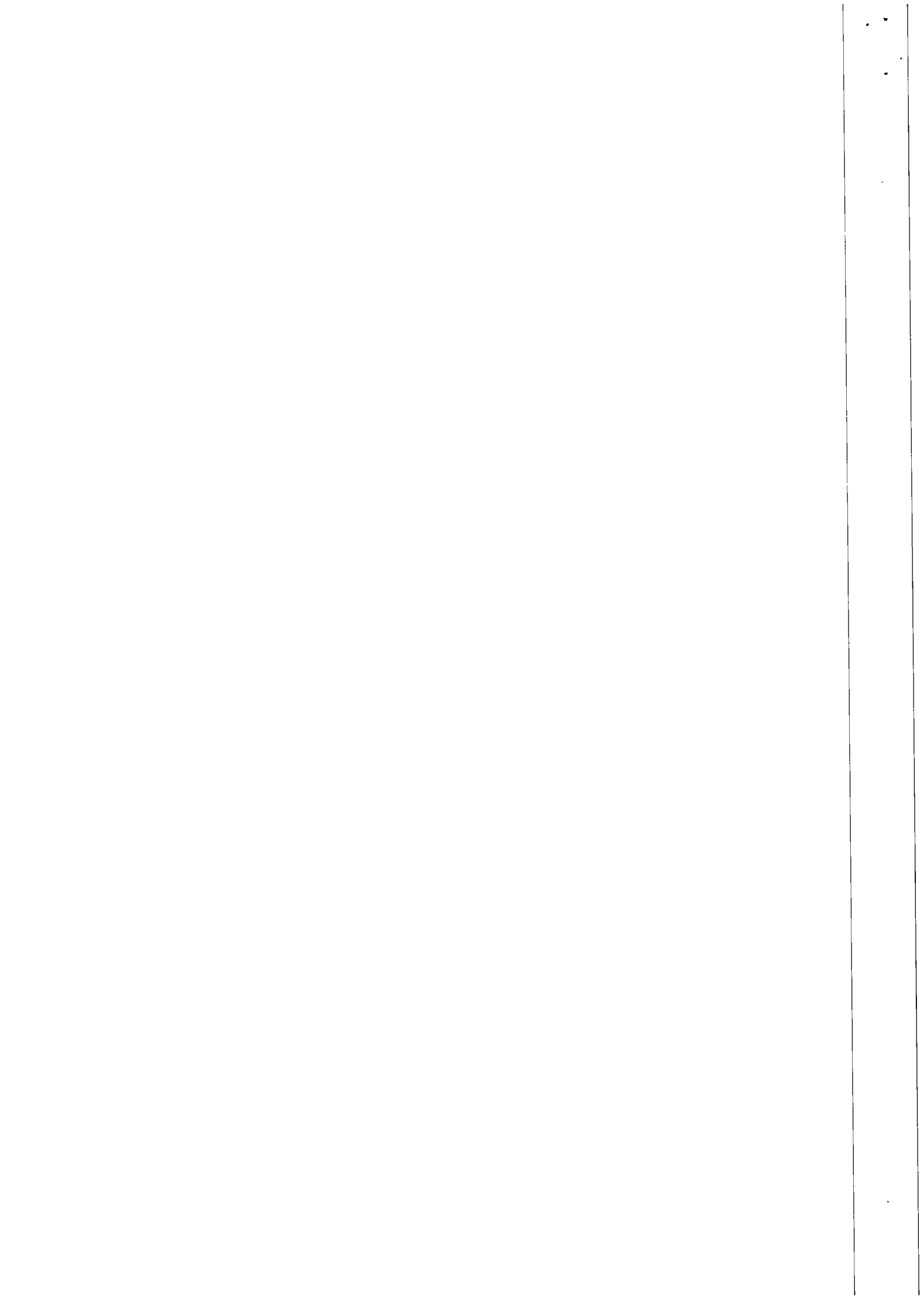
NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abenayo Wasike - Senior Clerk Assistant
2. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant
3. Mr. Boniface Mugambi - Sergeant –At- Arms

MIN. NO. NA/RIC/2018/219

PRELIMINARIES

The Chairperson called the meeting to order at fifty minutes past eleven o'clock and a prayer was said.



Minutes of the 55th sitting held on Thursday 11th October, 2018 at 11.30am were confirmed as a true record of proceedings of that day and proposed by Hon. Erastus Kivasu Nzioka, M.P and seconded by Hon. Geoffrey Omuse, M.P.

MIN. NO. NA/RIC/2018/221

ADOPTION OF THE REPORT ON EAC BUDGETARY PROPOSALS FOR THE 2018/2019 FY AND SUPPLEMENTARY ESTIMATES FOR THE 2017/2018

The report on the committee consideration of the Report of the committee on General Purpose on the Budgetary proposals of the East African Community for the Financial Year 2018/2019; the Report of the Committee on General Purpose on the Supplementary Budget Proposals of the East African Community for the Financial Year 2017/2018; the East African Community Supplementary Appropriation Bill, 2018; and the East Africa Community Appropriation Bill, 2018, was adopted having been proposed and seconded by the Hon. Hon. William Kamket, M.P. and Hon. Nasri Sahal Ibrahim, MP respectively.

MIN. NO. NA/RIC/2018/222

ADOPTION OF THE REPORT ON THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) NO. 2 BILL OF 2018 AND THE ADMINISTRATION OF THE EALA (AMENDMENT) BILL, 2018

The report on the committee consideration of the East African Community Customs Management (amendment) Bill, 2018 and the Administration of the East African Legislative Assembly (Amendment) Bill, 2018 was adopted having been proposed and seconded by the Hon. Capt. Ruweida Mohamed, M.P. and Hon. Kassim Tandaza, M.P respectively.

MIN. NO. NA/RIC/2018/223

ANY OTHER BUSINESS

1. Public Hearing on EAC Whistle Blowers Bill

The Committee was informed that the EALA Committee on Legal, Rules and Privileges had invited the committee to a public hearing on the EAC Blowers Bill, scheduled for 18th October, 2018 at 9.00 am at the Laico Regency Hotel.

The following Members were nominated to represent the committee in the meeting:

- a. Hon. Capt. Ruweida Mohamed, M.P
- b. Hon. Kassim Tandaza, M.P

MIN. NO. NA/RIC/2018/224

ADJOURNMENT

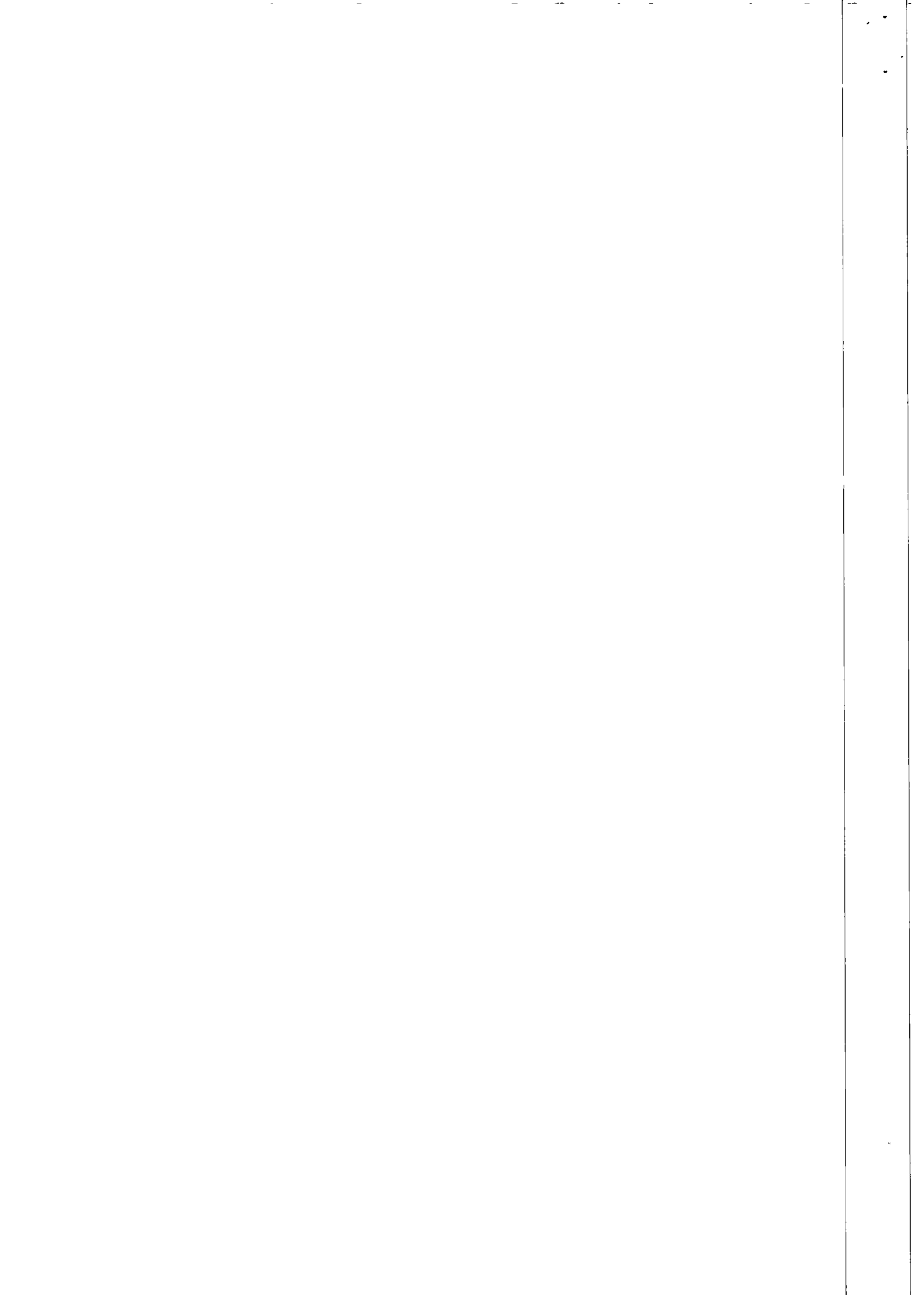
The meeting adjourned at five minutes past one o'clock.

SIGNED.....

(Signature)
 (Chairperson)

DATE.....

18/10/2018



MINUTES OF THE FIFTY SECOND SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON FRIDAY 7TH SEPTEMBER, 2018 IN THE TAMARIND VILLAGE CONFERENCE HALL AT 10.00 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Kubai Iringo, MP
4. Hon. Memusi Kanchory, MP
5. Hon. Eve Obara, M.P
6. Hon. Sen. Janet Onge'ra, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Nasri Sahal Ibrahim, MP
9. Hon. Dr. Gideon Ochanda, M.P.
10. Hon. Ali Wario Guyo, M.P.
11. Hon. Abdi Mude Ibrahim, MP
12. Hon. Erastus Kivasu Nzioka, MP
13. Hon. William Kamket, M.P.
14. Hon. Kassim Tandaza, MP
15. Hon. Gideon Keter, M.P
16. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Janet Teiyaa, MP
2. Hon. Joyce Emanikor, MP
3. Hon. Malulu Injendi, M.P
4. Hon. Ndindi Nyoro, M.P.
5. Hon. Ezekiel Ombaki, MP
6. Hon. Mathias Robi, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mrs. Florence Atenyo Abonyo - Director Committee Services
2. Mr. James Ginono - Senior Clerk Assistant
3. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant
4. Dr. Kefa Omoti - Senior Research and Policy Analyst
5. Mr. Edison Odhiambo - Fiscal Analyst

6. Mr. Boniface Mugambi - Sergeant –At- Arms

MIN. NO. NA/RIC/2018/202

PRELIMINARIES

The Chairperson called the meeting to order at thirty minutes past ten o'clock and a prayer was said.

MIN. NO. NA/RIC/2018/203

**CONSIDERATION OF THE REPORT ON EAC
BUDGET AND SUPPLEMENTARY ESTIMATES**

The Committee deliberated on the Report on the the consideration of the report of the committee on general purpose on the budgetary proposals of the East African Community for the financial year 2018/2019 , the report of the committee on general purpose on the supplementary budget proposals of the East African Community for the financial year 2017/2018, the East African Community supplementary appropriation Bill, 2018 and the East African Community appropriation Bill, 2018 and observed as follows:

1. The Development Budget for EAC is largely funded by development partners and the recurrent budget is largely supported by Member States while vital information regarding the budget is scanty.
2. There were huge arrears from Member States contribution dating back to financial year 2016/17,
3. There has been a consistent delay in remittance of partner states contributions which has led to irregular use of funds from the Reserve Fund to fill up operations cash flow gaps instead of being a stop gap measure.
4. There has been an increase in the number of EAC Institutions without commensurate increment in Partner States contribution;
5. There is need for additional resources to implement the EAC Customs Union, Common Market Protocol and the Monetary Union Protocol and Political Federation roadmap.
6. The Committee report has been submitted to the National Assembly without the records of debates and resolutions of EALA on the report which is contrary to Article 65(a) of the East African Community Treaty.

The Committee Recommended that

1. The current systems of contributions where the partners contribute equally should be reviewed as it has not been effective given that some states, most times are in arrears. While sanctions should be instituted on partner states defaulting on their contributions in line with Article 143 of the treaty.
2. There Council of Ministers to institute reforms to align the East African Community's structure, programmes and activities with financial resources available from the EAC Partner States.

3. Establishment of new EAC Institutions and additional activities should be guided and matched by increase in Partner States financial contribution.
4. The Council of Ministers to establish clear guidelines and procedures for all transactions into and out of the General Reserve Account and refrain from using Reserve Account funds for long term running projects.
5. There is a need to institute Public Finance and Budgetary reforms within the EAC in line with best budgeting practices that links revenue with expenditure over a three year period.
6. The Partner States need to adequately support the development budget of EAC to mitigate against future funding risks and for ownership purposes.
7. The Clerk of the Assembly should submit the records of debates and resolutions of EALA to the National Assembly in line with Article 65(a) of the East African Community Treaty.

**MIN. NO. NA/RIC/2018/204 CONSIDERATION OF THE REPORT ON EAC
BILLS**

The Committee deliberated on the Report on the East African Community Customs Management (Amendment) No. 2 Bill, 2018 and the Administration of the East African Legislative Assembly (Amendment) Bill, 2018 as follows:

1. The Committee noted that the proposed amendments in the East African Community Customs Management (Amendment) No. 2 Bill were agreeable as they would enable customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the goods to enable the customs administrations to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.
2. The Administration of the East African Legislative Assembly (Amendment) Bill, 2018 had been withdrawn as it contradicted the treaty establishing the East African Community. The Committee supported the withdrawal pending further guidance from the Council of Ministers on the administrative autonomy of EALA and the EACJ.

**MIN. NO. NA/RIC/2018/205 CONSIDERATION OF THE REPORT ON EAC
ANNUAL REPORT FOR 2015/2016**


The Committee deliberated on the report and noted that the report had highlighted major achievements and challenges of the EAC in implementing planned projects and programs in the period under review.

The Committee noted that the lack of proper funding, delayed disbursement of funds earmarked for various EAC organs and delayed remittances of Members contributions continued to affect implementation of projects .

There was therefore need to identify alternative means of funding to ensure a steady flow of funds and reduce dependence on donor funding.

MIN. NO. NA/RIC/2018/206 ADJOURNMENT

The meeting adjourned at ten minutes four o'clock.

SIGNED..........
(Chairperson)

DATE.....11.10.2018.....

MINUTES OF THE FIFTIETH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 6TH SEPTEMBER, 2018 IN THE TAMARIND VILLAGE CONFERENCE HALL AT 9.30 AM.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - **Chairperson**
2. Hon. Capt. Ruweida Mohamed, M.P – **Vice Chairperson**
3. Hon. Kubai Iringo, MP
4. Hon. Memusi Kanchory, MP
5. Hon. Eve Obara, M.P
6. Hon. Sen. Janet Onge'ra, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Nasri Sahal Ibrahim, MP
9. Hon. Dr. Gideon Ochanda, M.P.
10. Hon. Ali Wario Guyo, M.P.
11. Hon. Abdi Mude Ibrahim, MP
12. Hon. Erastus Kivasu Nzioka, MP
13. Hon. William Kamket, M.P.
14. Hon. Kassim Tandaza, MP
15. Hon. Gideon Keter, M.P
16. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Janet Teiyaa, MP
2. Hon. Joyce Emanikor, MP
3. Hon. Malulu Injendi, M.P
4. Hon. Ndindi Nyoro, M.P.
5. Hon. Ezekiel Ombaki, MP
6. Hon. Mathias Robi, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP

MINISTRY OF EAST AFRICAN COMMUNITY AND NORTHERN CORRIDOR DEVELOPMENT

1. Mr. Adan Mohamed - Cabinet Secretary
2. Dr. Susan Koech - Principal Secretary
3. Mr. Hezron Momanyi - Deputy Chief Economist
4. Mr. Leonard Kwinga - Economist
5. Mr. George Arogo - EALA Liason

6. Mr. John Mwendwa - Principal Secretary

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. James Ginono - Senior Clerk Assistant
2. Ms. Ruth Mwihaki Gakuya - Third Clerk Assistant
3. Dr. Kefa Omoti - Senior Research and Policy Analyst
4. Mr. Edison Odhiambo - Fiscal Analyst
5. Mr. Boniface Mugambi - Sergeant –At- Arms

MIN. NO. NA/RIC/2018/195 PRELIMINARIES

The Chairperson called the meeting to order at ten o'clock and a prayer was said.

**MIN. NO. NA/RIC/2018/196 BRIEF ON THE THE EAST AFRICAN
COMMUNITY CUSTOMS MANAGEMENT
(AMENDMENT BILL) NO. 2 BILL, 2018**

The Principal Secretary, Dr. Susan Koech informed the Committee that:

1. The EAC Customs Management (Amendment) Bill 2018 is a Council Bill to allow Customs Administrations to receive advance information regarding goods moving across national borders well ahead of the arrival of the carrier vessel.
2. The Bill proposes to amend Section 24(1) (a) of the EAC Customs Management Act to require a Master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.
3. The amendment is intended to improve the ability of the Customs Administrations in detecting high risk consignments well ahead of the arrival of the carrier vessel to allow the administration to take appropriate action on such consignments and expedite clearance of the legitimate cargo.

**MIN. NO. NA/RIC/2018/197 THE ADMINISTRATION OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY (AMENDMENT) BILL,
2018**

The Principal Secretary, Dr. Susan Koech informed the Committee that:

1. The administration of the East African Legislative Assembly (Amendment) Bill 2018 is a Private Member's Bill which seeks to fundamentally amend the Administration of the East

African Legislative Assembly Act, 2011, among others; it seeks to change the functions of the Council of Ministers and vesting them in the Assembly. Specifically, the Bill proposes to:


- a. Empower the Assembly in Clause 4(d) of the Bill as the appointing authority for the Clerk, the Deputy Clerk and other officers of the Assembly;
 - b. Empower the Commission in clause 4(e) of the Bill to: make recommendations to the Assembly on salaried and other terms and conditions of service of the Clerk and other officers of the Assembly;
 - c. recommend to the Assembly, Staff Rules and Regulations of the Staff of the Assembly;
 - d. Create, abolish, classify or re-designate offices for the efficient functioning of the Assembly.
 - e. From time to time review and determine the terms and conditions of the staff of the Assembly and make proposals to the Council for review of terms and conditions of service of members of the Assembly.
2. The Committee heard that the implications of the proposed amendments are deemed inconsistent with the Treaty for the Establishment of the East African Community in that Article 48(4) of the Treaty provides that the Council shall appoint a Clerk of the Assembly and other Officers of the Assembly whose salaries and other terms and conditions of service shall be determined by the Council. It is not thus feasible for the Community to enact a law that contradicts Article 48(4) of the Treaty as suggested in the Bill.
 3. Article 51 (2) of the Treaty provides that the terms and conditions of service of the members of the Assembly shall be determined by the Summit on recommendation of the Council. Relatedly, Article 49 (2) of the Treaty reads that the Assembly shall recommend to the Council the appointment of the Clerk and other officers of the Assembly.
 4. It was therefore not possible to amend the treaty provisions through the proposed amendments because the Treaty provides a procedure for its amendment under Article 150. The Treaty has been amended two times since its entry into Force on 7th July, 2000
 5. The Committee heard that the Council in exercise of its policy mandate under Article 14 of the Treaty, has since constituted an EAC Ad hoc Service Commission to carry out workload analysis & job evaluation exercise whose outcome may determine staff numbers for the

Assembly and the Court. There is also an ongoing initiative by the Ministers of Finance to map the resource available to the Community with appropriate staff numbers including staff in the Assembly- under the EAC sustainable financing study.

6. The Council also successfully moved a motion for the for the suspension of the Bill pending clarification on the conditionality of the financial and administrative autonomy for both EALA and the EACJ in compliance with the Treaty and the 33rd Meeting of the Council of Ministers Decision on the matter.

MIN. NO. NA/RIC/2018/198 ADJOURNMENT

The meeting adjourned at forty three minutes past twelve o'clock.

SIGNED..... 
(Chairperson)

DATE..... 11/10/2018

MINUTES OF THE FORTY-SIXTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 16TH AUGUST, 2018 IN THE 11TH FLOOR BOARD ROOM, PROTECTION HOUSE, AT 11.30 A.M.

PRESENT

1. Hon. Naisula Lesuuda, MP, OGW - Chairperson
2. Hon. Memusi Kanchory, MP
3. Hon. Eve Obara, M.P
4. Hon. Ezekiel Ombaki, MP
5. Hon. Mathias Robi, M.P
6. Hon. Malulu Injendi, M.P
7. Hon. Dr. Gideon Ochanda, M.P.
8. Hon. William Kamket, M.P.
9. Hon. Ali Wario Guyo, M.P.
10. Hon. Erastus Kivasu Nzioka, MP
11. Hon. Geoffrey Omuse, M.P

ABSENT WITH APOLOGIES

1. Hon. Kubai Iringo, MP
2. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. Hon. Janet Teiyaa, MP
4. Hon. Nasri Sahal Ibrahim, MP
5. Hon. Sen. Janet Onge'ra, MP
6. Hon. Kassim Tandaza, MP
7. Hon. Ndindi Nyoro, M.P.
8. Hon. Gideon Keter, M.P

ABSENT

1. Hon. Christopher Nakuleu, MP
2. Hon. Rozaah Buyu, MP
3. Hon. Joyce Emanikor, MP
4. Hon. Abdi Mude Ibrahim, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Ruth Mwhaki Gakuya - Third Clerk Assistant
2. Ms. Christine Odhiambo - Legal Counsel
3. Ms. Catherine Mukunyi - Sergeant –At- Arms

MIN. NO. NA/RIC/2018/179

PRELIMINARIES

The Chairperson called the meeting to order at 11.30 a.m. and a prayer was said.

MIN. NO. NA/RIC/2018/180

CONFIRMATION OF MINUTES

Minutes of the 44th sitting held on Tuesday 7th August, 2018 at 11.30 am were confirmed as a true record of proceedings of that day and proposed by Hon. William Kamket, M.P and seconded by Hon. Geoffrey Omuse, M.P.

Minutes of the 45th sitting held on Tuesday 14th August, 2018 at 11.30 am were confirmed as a true record of proceedings of that day and proposed by Hon. Erastus Kivasu Nzioka, M.P and seconded by Hon. Mathias Robi, M.P.

MIN. NO. NA/RIC/2018/181

MATTERS ARISING

Under Min .No. MIN. NO. NA/RIC/2018/177

The Committee resolved that the retreat with the Ministry of East African Community and Northern Corridor Development be scheduled for 4th to 8th September, 2018 in Mombasa County.

MIN. NO. NA/RIC/2018/182

**BRIEFING FROM THE PARLIAMENTARY
LEGAL OFFICE**

Ms. Christine Odhiambo, Legal Counsel informed the Committee as follows:

The EAC Customs Management (Amendment) Bill 2018.

The proposed amendments did not tally with the provisions of the main Act. There was therefore need for guidance from the Ministry of East African Community and Northern Corridor Development on the sections proposed for amendment.

The Administration of the East African Legislative Assembly (Amendment) Bill, 2018

The Committee was informed that:

- 1.The object of the Bill is to amend the Administration of East African Legislative Assembly Act, 2012 to provide for the Assembly to be wholly responsible for its administrative and financial affairs, to streamline the functions of the Commission in order to support the financial and administrative autonomy of the Assembly and provide for other related matter.
- 2.The Committee was further informed as follows:

Clause 1- Short Title

Provides for the citation of the Act once enacted, to be known as the Administration of the East African Legislative Assembly (Amendment Act), 2018.

Clause 2

The amendment seeks to provide more specificity as to what is to be termed as the staff rules and regulations. The original provision gives power to the council to make staff rules and regulations and financial rules and regulations of the community. The amendment proposes to give the

Commission power to recommend to the council rules that will be applicable specifically to the staff of the assembly.

Clause 3

The amendment seeks to give the Commission corporate status to enable it act as a legal entity on its own

Clause 4

The amendment gives the commission the power to appoint the Clerk, Deputy Clerk and other officer of the Assembly. The amendment also proposes that the Commission shall make its recommendations directly to the Assembly and not to the Council and that the Commission shall exercise disciplinary control over the staff of the Assembly

Clause 5- New section

The section gives the commission the power to establish such committees as may be necessary for the efficient discharge of its functions

Clause 6

The amendment gives the commission the power to review the terms and conditions of service of members of the Assembly. In term of the original provision, the Commission could only make recommendations to the Council

Clause 7

The amendment gives the Commission the power to create and abolish offices within the Assembly. In terms of the original provision, the commission could only make recommendations to the Council.

Clause 8

The amendment removes the obligation of the commission to consult with the secretary general in the operations of bank accounts of the Assembly

Clause 9

The amendment gives the assembly the power to make financial rules and regulations for the Assembly. Under the original provision, the power was on the council upon the recommendation of the Commission

Clause 10- New section

The section gives the assembly the power to make regulations relating to the assembly

Clause 11

Repeals section 20 of the Act since it is no longer applicable since the assembly has since ben reconstituted.

Committee Observation

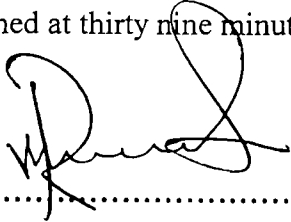
The Committee observed that the functions of the Commission as proposed were not clearly stated. The Committee further observed that there were some ambiguities in the some of the proposals which needed to be clarification.

Committee Resolution

The Committee resolved that the Legal Counsel briefs the committee further on the Bill in the next sitting.

MIN. NO. NA/RIC/2018/183 ADJOURNMENT

The meeting adjourned at thirty nine minutes past twelve o'clock.



SIGNED.....

(Chairperson)

DATE..... 28/08/2018

Duff

THE ADMINISTRATION OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY ACT, 2011.

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1. Short title
2. Interpretation

PART II—THE EAST AFRICAN LEGISLATIVE
ASSEMBLY COMMISSION

3. Establishment of the Commission.
4. Functions of the Commission.
5. Tenure of office.
6. Vacation of office of Commissioner.
7. Removal of Commissioner.
8. Decisions of Commission.
9. Meetings of Commission.

PART III—REVIEW OF TERMS AND CONDITIONS OF
MEMBERS AND STAFF OF ASSEMBLY

10. Review of terms and conditions of service of members and staff of Assembly

PART IV—OFFICES OF ASSEMBLY

11. Creation of offices of the Assembly.
12. Functions of the office of Clerk
13. Exercise of functions of Clerk during vacancy or inability
14. Oath

PART V—FINANCIAL PROVISIONS

15. Bank accounts
16. Budget and utilization of resources
17. Financial year estimates.
18. Financial rules and regulations.

PART VI—MISCELLANEOUS.

19. Commission reports.
20. Transitional.

THE ADMINISTRATION OF THE EAST AFRICAN
LEGISLATIVE ASSEMBLY ACT, 2011

An act of the Community to make provision for the establishment of a Commission for the administration of the Assembly and for other related purposes.

Date of assent

Date of commencement

ENACTED by the East African Community and assented to by the Heads of State.

PART I—PRELIMINARY

1. This Act may be cited as the Administration of the East African Legislative Assembly Act, 2011. Short title

2. In this Act unless the context otherwise requires— Inter-pretation

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

“Clerk” means the Clerk of the East African Legislative Assembly appointed under Article 48 of the Treaty;

“Commission” means the East African Legislative Assembly Commission established by section 3 of this Act;

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

“financial year” means the financial year referred to under Article 132 (7) of the Treaty;

“Rules of Procedure” means Rules of Procedure of the Assembly referred to in Article 49(2)(g) of the Treaty;

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

“Speaker” means the Speaker of the Assembly provided for under Article 53 of the Treaty;

“Staff Rules and Regulations” means staff rules and regulations made by the Council under Article 14(3) (g) of the Treaty;

“Summit” means the Summit established by Article 9 of the Treaty;

“Treaty” means the Treaty establishing the East African Community and any other annexes and protocols thereto.

PART II—THE EAST AFRICAN LEGISLATIVE ASSEMBLY COMMISSION

Establish-
ment of the
Commission.

3. (1) There is established a Commission known as the East African Legislative Assembly Commission.

(2) The Commission shall be composed of the Speaker, the Chairperson of the Council who shall be an *ex officio* member and two members of the Assembly from each Partner State, elected by the Assembly.

(3) The Speaker shall be the Chairperson of the Commission.

(4) The Clerk shall be the Secretary to the Commission.

4. The Commission shall—

Functions of
the
Commission.

- (a) manage, organize the business and programme of the Assembly;
- (b) nominate members of Standing and other Committees;
- (c) make recommendations to the Council on terms and conditions of service of members of the Assembly;
- (d) recommend to the Council the appointment of the Clerk and other officers of the Assembly;
- (e) make recommendations to the Council on salaries and other terms and conditions of service of the Clerk and other officers of the Assembly;
- (f) make recommendations to the Council on appointment, promotion and exercise of disciplinary control over officers and other staff of the Assembly;
- (g) cause to be prepared in each financial year estimates of revenue and expenditure for the Assembly for the next financial year;
- (h) recommend to the Council, Staff Rules and Regulations on the staff of the Assembly;

- (i) perform such other functions as may be necessary for the well being of the members and staff of the Assembly so as to ensure the effective and efficient functioning of the Assembly.

Tenure of office.

5. (1) Members of the Commission shall be elected as soon as the Assembly is constituted.

(2) Members of the Commission shall be elected by the Assembly and shall hold office for a period of two and a half years and shall be eligible for re-election.

Vacation of office of Commissioner.

6. A member of the Commission shall cease to hold office upon—

- (a) the delivery of his or her resignation in writing to the Chairperson;
- (b) ceasing to be qualified as a member of the Assembly in accordance with Article 51 of the Treaty.

Removal of Commissioner.

7. A member of the Commission, other than the Speaker and the Chairperson of the Council may be removed from office by a resolution supported by not less than two thirds of members of the Assembly, subject to the Rules of Procedure of the Assembly.

Decisions of Commission.

8. (1) Every decision of the Commission shall, as far as possible, be by consensus. X

(2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting; and the matter shall be taken to have been decided if supported by the votes of the majority of members present and voting.

(3) The Chairperson of the Commission shall have a casting vote.

(4) The Commission may act notwithstanding the absence of any member or any vacancy in the office of a member.

(5) The Commission may regulate its own procedure.

9. (1) The Commission shall meet at least once every two months. Meetings of Commission.

(2) All meetings of the Commission shall be convened by the Chairperson by giving not less than fourteen days notice to the members.

(3) The Commission may, in addition have extraordinary meetings as and when it is deemed necessary.

(4) Two thirds of members of the Commission may, in writing signed by each of them, call for an extra ordinary meeting of the Commission, specifying the agenda to be considered at that meeting.

(5) The Quorum of the Commission shall be by a simple majority.

PART III—REVIEW OF TERMS AND CONDITIONS OF MEMBERS
AND STAFF OF ASSEMBLY

10. (1) The Commission shall, from time to time, recommend to the Council proposals for review of terms and conditions of service of members and staff of the Assembly. Review of terms and conditions of service of members and staff of Assembly

(2) The terms and conditions of service of the members of the Assembly shall be determined by the Summit on the recommendation of the Council.

PART IV—OFFICES OF ASSEMBLY

11. The Commission may make recommendations to the Council to— Creation of offices of the Assembly.

(a) create such number of offices as will ensure the efficient functioning of the Assembly; and

(b) create, abolish, reclassify and change any designation of offices in the Assembly.

Functions of
the office of
Clerk

12. The Clerk shall

- (a) be the head of the Assembly administration and Secretary to the Commission;
- (b) render expert advice to members of the Assembly on parliamentary procedure and practice;
- (c) be responsible to the Chairperson of the Commission for the general working and efficient conduct of the business of the Commission and the Assembly;
- (d) ensure that proper books and records of the Assembly are kept and maintained;
- (e) carry out such other duties and exercise such powers as may be conferred upon him or her by the Treaty, any law, rules, regulations and practices of the Assembly.

Exercise of
functions of
Clerk during
vacancy or
inability

13. If the office of the Clerk is vacant, or if for any reason the Clerk is unable to exercise the functions of his or her office, any other person for the time being performing the duties of the Clerk pursuant to the Staff Rules and Regulations shall have and may exercise all the functions, duties and powers of the Clerk.

Oath

14. The Clerk and other officers of the Assembly shall, on appointment, take oath before the Speaker, in the form prescribed in the Schedule.

PART V—FINANCIAL PROVISIONS

Bank
accounts

15. The Commission shall ensure that the Assembly, in consultation with the Secretary General and in accordance with the East African Community financial rules and regulations operate bank accounts as are necessary for the efficient discharge of the Assembly's functions.

16. In conformity with Articles 49(2)(b) and 132 (5) of the Treaty, the Commission shall ensure that—

Budget and utilization of resources

- (a) the Assembly debates and approves the budget of the Community;
- (b) resources of the Community are utilized to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council.

17. The Commission shall ensure that—

Financial year estimates.

- (a) chairpersons of committees of the Assembly submit a report on planned activities and financial year estimates to the Commission for each financial year;
- (b) the Commission considers the estimates and report submitted under paragraph (a) and makes such alterations as it may deem appropriate.

18. The Commission shall recommend to the Council, the financial rules and regulations of the Community as are necessary for the efficient discharge of the functions of the Assembly.

Financial rules and regulations.

PART VI—MISCELLANEOUS.

19. The Commission shall submit to the Assembly bi-annual reports on activities and operations of the Commission, which shall include such other information as the Assembly may request.

Commission Reports.

20. Upon the coming into force of this Act and before the Assembly is constituted under section 5, the functions of the Commission shall be performed by the House Business Committee.

Transitional.

SCHEDULE

Oath/Affirmation of officer of the Assembly

I..... having been appointed Clerk/ an officer of the East African Legislative Assembly, do swear/solemnly and sincerely declare and affirm that I will not, directly or indirectly, reveal to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information, whatsoever which may come to my knowledge in the course of my duties as Clerk/ an officer of the Assembly

SO HELP ME GOD

Sworn/Declared by the said.....

Before me this..... day of.....

.....
Speaker East African Legislative Assembly.



THE EAST AFRICAN COMMUNITY
BILLS SUPPLEMENT

No. 5

4th May, 2018.

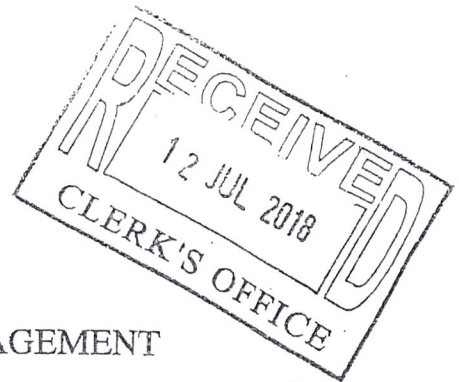
to the East African Community Gazette No. 6 of 4th May, 2018.

Printed by the Uganda Printing and Publishing Corporation, Entebbe, by Order of the East African Community.



THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT
(AMENDMENT) (NO. 2) BILL, 2018



MEMORANDUM.

The object of this Bill is to amend section 24 (1) of the East African Community Customs Management Act to require a master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.

The Bill is intended to provide for customs administrations to receive advance information regarding the goods being moved across national borders ahead of the arrival of the vessel carrying the goods.

The Bill seeks to facilitate the ability of customs administrations to detect high risk consignments ahead of the arrival of the vessel carrying the good to enable the customs administrations to take appropriate action on such consignments and to distinguish between high risk goods from those that are not of high risk.

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

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY CUSTOMS
MANAGEMENT (AMENDMENT) (No. 2) ACT, 2018.**

An Act of the Community to amend section 24 (1) of the East African Community Customs Management Act to require a master or agent of a vessel to provide to the proper officer advance information relating to the goods carried by the vessel before departure from the last port of call.

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

1. This Act may be cited as the East African Community Customs Management (Amendment) (No. 2) Act, 2018. Short title.

2. The East African Community Customs Management Act, 2004 is amended in section 24 (1) by substituting for paragraph (a), the following — Amendment of the East African Community Customs Management Act, 2004

“(a) in the case of a vessel, immediately before departure from the last port of call;”