

REPUBLIC OF KENYA



14 JUN 2018

PARLIAMENT  
OF KENYA  
LIBRARY

-----  
TWELFTH PARLIAMENT  
(SECOND SESSION)

REPORT OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION  
  
ON  
  
CONSIDERATION OF EAC BILLS AND PROTOCOL ON COOPERATION OF  
METEOROLOGICAL SERVICES

Directorate of Committee Services

National Assembly

Parliament Buildings

NAIROBI

JUNE, 2018

## TABLE OF CONTENTS

<b>CHAIRPERSON'S FOREWORD .....</b>	<b>2</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>LIST OF ABBREVIATIONS/ACRONYMS.....</b>	<b>6</b>
<b>1.0 INTRODUCTION.....</b>	<b>7</b>
<b>1.1 Committee Membership .....</b>	<b>7</b>
<b>1.2 Committee Secretariat .....</b>	<b>8</b>
<b>1.3 Committee Mandate.....</b>	<b>8</b>
<b>2.0 COMMITTEE CONSIDERATION OF THE EAC BILLS.....</b>	<b>9</b>
<b>3.0 CONSIDERATION OF THE EAC PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES .....</b>	<b>12</b>
<b>3.1 Submissions by the Ministry of East Africa Community .....</b>	<b>12</b>
<b>4.0 GENERAL COMMITTEE OBSERVATIONS.....</b>	<b>13</b>
<b>5.0 COMMITTEE RECOMMENDATIONS .....</b>	<b>14</b>

## CHAIRPERSON'S FOREWORD

As you are already aware, the East African Legislative Assembly (EALA) is the legislative organ of the Community established under Article 9(1)(f) of the Treaty for the establishment of the East African Community. EALA is vested with nearly the same roles as those of individual Partner States Parliament specifically legislation, oversight and representation. Through legislation, EALA is expected to deliver the EAC dream to the region's 120 million people. It is against this background and expectation that during its third Assembly, EALA processed a number of Bills and presented the same to partner states parliament for information and follow up with the Council of Ministers as necessary.

On behalf of the Kenya National Assembly, the Committee on Regional Integration received six Bills that were at various stages of consideration by EALA. The Bills and the protocol were committed to the Committee pursuant to the provisions of Standing Order 212 (2) and processed with assistance and information provided by key stakeholders such as the Ministry of East African Community and Northern Corridor Development. They included:

1. The EAC Counter-Trafficking in Persons Bill, 2016.
2. The EAC Cross Border Trade in Professional Service Bill, 2017.
3. The EAC Prohibition of Female Genital Mutilation Bill, 2016.
4. The EAC retirement Benefits or Specified heads of Organs Bill, 2015.
5. The EAC Youth Council, 2017.
6. The Protocol on cooperation of Meteorological Services.

Because some of the Bills had already lapsed with the dissolution of the third EALA Assembly, the Committee resolved to await the re-introduction of the Bills in the Fourth EALA Assembly. Further, the Committee resolved to await the Ministry to forward the versions of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 as forwarded for assent, before deliberating on the same.

In its consideration of the Protocol on Meteorological Services, the Committee observed that the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies. The Committee therefore, resolved to support the adoption and implementation of the Protocol as it would go a long way in fostering better regional integration in matters related to meteorological services. The Committee as a result urges the Ministries of East African Community and Foreign Affairs to fast track the adoption and implementation of the protocol on cooperation in Meteorological Services.

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 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 EAC Bills for noting and any other necessary action.

**HON. NAISULA LESUDA, OGW, M.P**

## EXECUTIVE SUMMARY

This report contains the Committee's resolution on the consideration of East African Community Bills and East African Community Protocol on Cooperation of Meteorological Services. While processing the above Bills, the Committee met with the Ministry of East African and Northern Corridor Development to consider the subject Bills and the Protocol on Cooperation of Meteorological Services and noted the following:

1. The East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 had since been passed by the East Africa Legislative Assembly and were awaiting assent. However, the versions of the Bills that had been sent for assent were different from those before the Committee. The Ministry is therefore, expected to forward the versions of the Bills for assent at a later date;
2. The East African Community Youth Council Bill, 2017 had gone to the Third Reading in the previous Assembly (Third Assembly) but had since been rejected at the Third Reading stage;
3. The East African Community Retirement Benefits for Specified Heads of Organs Bill had lapsed and was waiting for re-introduction in the Fourth Assembly;
4. The East African Community Cross Border Trade in Professional Services Bill, 2017 and the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 were pending from the previous Assembly (Third Assembly) and were yet to be re-introduced in the Fourth Assembly.

The Committee therefore, resolved to the re-introduction of the Bills in the Fourth Assembly of the East Africa Legislative Assembly. Further, the Committee resolved that it would await the Ministry to forward the versions forwarded for assent of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before it could give its input in respect of the same.

The Committee also noted contents of the memorandum to the effect that the processing and analysis of data was important for safety of navigation and that it was only through a reliable meteorological data that navigation of data processing was possible. 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 applied Meteorological Services to various sectors of the economies. The Committee therefore recommended ratification of the EAC protocol on cooperation of Meteorological Service.

## **LIST OF ABBREVIATIONS/ACRONYMS**

EWS	Early Warning System
EAC	East Africa Community
EALA	East Africa Legislative Assembly
FGM	Female Genital Mutilation
MCS	Metrological Communication System
SG	Secretary General

## **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 12<sup>th</sup> Parliament.

### **1.1 Committee Membership**

Members of the Committee include:

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. Christophcr 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. Ms. Hellen Ekadeli     | Clerk Assistant III        |
| 2. Ms. Mary Lemerelle     | Clerk Assistant III        |
| 3. Dr. Kefa Omoti         | Principal Research Officer |
| 4. Ms. Christine Odhiambo | Legal Counsel              |
| 5. Mr. Boniface Mugambi   | Sergeant at arms           |

### **1.3 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 Africa;
2. Examine records of relevant EALA debates and resolutions;
3. Examine EALA Bills and EAC Acts;
4. Examine records of relevant debates and resolutions of Pan African Parliament;
5. Inquire into and examine any matter relating to regional integration requiring action by the House;

## **2.0 COMMITTEE CONSIDERATION OF THE EAC BILLS**

It took the Committee four sittings to fully process the Bills and protocol. The Committee retreated to the Boma Hotel from 1<sup>st</sup> to 4<sup>th</sup> March, 2018 and examined the Bills and protocol in the following sequence:

1. The EAC Counter-Trafficking in Persons Bill, 2016.
2. The EAC Cross Border Trade in Professional Service Bill, 2017.
3. The EAC Prohibition of Female Genital Mutilation Bill, 2016.
4. The EAC retirement Benefits or Specified heads of Organs Bill, 2015.
5. The EAC Youth Council, 2017.
6. Protocol on Cooperation in Meteorological Services

### **2.1 The East African Community Counter-Trafficking in Persons Bill, 2016**

The objective of this Bill is to provide for a legal framework for the prevention of trafficking in persons, the prosecution of perpetrators as well as the development of partnerships for cooperation to counter trafficking in persons in the Community. It is aimed at availing a permissible framework to prevent counter-trafficking in persons, to protect and assist victims as well as to promote cooperation of the partner states so as to prevent counter-trafficking in persons.

Principally, the Bill provides for the offence of trafficking in persons as well as other related offences. It prohibits the threat or use of force, abduction, deception or fraud, abuse of power to recruit, transfer or harbor another person for purposes of exploitation of that person. It makes trafficking in persons an offence notwithstanding the consent that may be given by the victim of trafficking and provides that a person found guilty of the offence of trafficking in persons shall be liable for punishment in accordance with the specific country concerned.

The Bill further requires the partner states to harmonize the laws on trafficking in persons, and sets a minimum of ten years imprisonment for any person found guilty of the offence of trafficking in persons.

### **2.2 The East African Community Cross Border Trade in Professional Services Bill, 2017**

The objective of this Bill is to provide for the conduct and regulation of cross border trade in professional services within the EAC, thereby facilitate the free movement of persons, labor and services within the region. It targets to promote cross border trade in professional services within the Community, promote harmonization of professions training as well as to facilitate free movement of trade in professional services within the EAC.

The Bill provides for the discipline of professionals and establishes the EAC Professionals Disciplinary Committee, which shall have the power to address complaints against the professionals that arise from cross border trade in professional services within the EAC. It sets out the procedure for lodging a complaint, the accused's right to be heard and right to a fair hearing, as well as the orders that may be made by the Disciplinary Committee, which include admonishing, suspension or striking off the roll.

#### **2.4 The East African Community Prohibition of Female Genital Mutilation Bill, 2016**

This Bill seeks to prohibit the practice of female genital mutilation within the East African Community so as to encourage the full participation of women in matters of regional integration and development. The Bill seeks to establish an institutional mechanism for the prosecution of offenders and provide for the prohibition of the practice of female genital mutilation, the provision of a minimum penalty for the offence, establishment of institutions to foster cooperation in the prosecution of offenders as well as the development and harmonization of policies, laws and strategies to prevent female genital mutilation. The Bill seeks to set a minimum penalty for the offences as imprisonment for a term not less than three years, or a fine not less than one thousand dollars, or both.

Further, the Bill mandates the partner states to adopt comprehensive laws to prohibit FGM, as well as to avail resources as well as strategies, policies and programmes for the elimination of FGM.

#### **2.5 The EAC Retirement Benefits for Specified Heads of Organs Bill, 2015**

The objective of this Bill is to provide for the retirement benefits and payment of gratuity for specified leaders who have honourably served and completed their terms in the service of the Community. Specifically, the Bill identifies the leaders as the former President of the East African Court of Justice, the former Speaker of the East African Legislative Assembly and the former Secretary-General (S.G) of the East African Community.

The Bill provides for the provisions governing the retirement benefits, and the circumstances under which a former head of organ of the Community shall be entitled to retirement benefits, which are upon completion of a term in office, upon abolition of the office, inability to continue in office on medical grounds and upon death while still in office. It spells out the actual entitlements that the heads of organs shall receive as benefits, and also provides for the payment of gratuity to their dependents in the event of death.

#### **2.6 The East African Community Youth Council Bill, 2017**

This Bill provides a legal framework for the harmonization of laws and policies regarding the youth within the East African community and is premised on Article 120 of the Treaty for the Establishment of the East African Community. It also seeks seeks to harmonize the laws and

regulations pertaining to the youth within the East African Community and provide a regional platform for the articulation of youth issues and to promote the participation of youth in all stages of regional development and integration. The guiding principles of the Bill include ethics, integrity, impartiality and unity in diversity.

The Bill provides for the establishment of the East African Youth Council (EAYC), whose mandate shall be to ensure the implementation of the youth policy, fostering the interests of the youth in the integration process of the EA Community as well as encouraging the formation of youth organizations.

### **3.0 CONSIDERATION OF THE EAC PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES**

The East Africa Community Protocol on Cooperation in Meteorological Services is premised on Article 5 of the Treaty for the Establishment of the East African Community which provides for the objectives of the Community. Majorly, the protocol aims to develop policies and programmes for widening and deepening co-operation among partner states in various areas related to metrology. Further, the Protocol seeks to give effect of Article 100 of the Treaty providing for the need for each partner state to collect and disseminate meteorological information, as well as to exchange information and expertise concerning new developments in meteorological science and technology.

Specifically, the Protocol seeks to mandate the partner states to cooperate in data processing and analysis and to exchange meteorological data and information. The Protocol also requires the partner states to harmonize their laws and policies on meteorology. The Committee received presentations on the protocol from the Ministry of EAC and Northern Corridor development.

#### **3.1 Presentation by the Ministry of East Africa Community**

The Ministry of East Africa Community officials made a presentation on the Protocol on Cooperation of Meteorological Services as follows:

That the main objective of the Protocol is to promote cooperation in the provision of meteorological services within the community;

The scope of the Protocol extends to the partner states to cooperate in the planning, designing and development of weather and climate observations networks and meteorological communication systems;

That the Protocol would enhance the processing, analysis of data, sharing of meteorological information, and the development of early warning systems;

That the Protocol does not have any implication on matters relating to counties; and  
The implementation of the Protocol is not envisaged to have any additional budgetary allocation.

#### **4.0 GENERAL COMMITTEE OBSERVATIONS**

Concerning the above Bills and Protocol, the Committee made the following observations:

The East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 have since been passed by the East Africa Legislative Assembly and were awaiting assent;

1. The versions of the Bills that had been sent for assent were different from those before the Committee. The Ministry would therefore forward the versions of the Bills for assent at a later date;
2. The East African Community Youth Council Bill, 2017 had gone to the Third Reading in the previous Assembly (Third Assembly) but had been rejected at the Third Reading stage. The Bill had therefore, not been re-introduced in the Fourth Assembly;
3. The East African Community Cross Border Trade in Professional Services Bill, 2017 and the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 were pending from the previous Assembly (Third Assembly) and were yet to be re-introduced in the Fourth Assembly;
4. The Committee also noted the contents of the memorandum to the effect that the processing and analysis of data was important for safety of navigation and it was only through a reliable meteorological data that would allow for navigation of data;
5. The Committee additionally noted that in order to implement the Protocol, the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies.

## 5.0 COMMITTEE RECOMMENDATIONS

The Committee recommends that the following Bills await re-introduction into the Fourth Assembly of the East Africa Legislative Assembly:

1. The EAC Cross Border Trade in Professional Service Bill, 2017.
2. The EAC Prohibition of Female Genital Mutilation Bill, 2016.
3. The EAC retirement Benefits or Specified heads of Organs Bill, 2015.
4. The EAC Youth Council, 2017.

The Committee further recommends that Ministry East African Community should submit the versions forwarded for assent of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before the Committee could give its input in respect of the same.

The Committee also recommends ratification of the East African Community protocol on cooperation of Meteorological Services.

SIGNED.....



**HON. NAISULA LESUDA, OGW, M.P**  
**CHAIRPERSON**  
**COMMITTEE ON REGIONAL INTEGRATION**

DATE.....

13/06/2018

**MINUTES OF THE ELEVENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON FRIDAY 2<sup>ND</sup> MARCH, 2018 IN BOMA HOTEL, NAIROBI AT 10:00A.M.**

**PRESENT**

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

**APOLOGIES**

1. Hon. Eve Obara, M.P.
2. Hon. Malulu Injendi, M.P
3. Hon. Erastus Nzioka, M.P.

**ABSENT**

1. Hon. Christopher Nakuleu, M.P.

## **SECRETARIAT**

- |                           |                            |
|---------------------------|----------------------------|
| 1. Ms. Hellen Ekadeli     | Clerk Assistant III        |
| 2. Ms. Mary Lemerelle     | Clerk Assistant III        |
| 3. Dr. Kefa Omoti         | Principal Research Officer |
| 4. Ms. Christine Odhiambo | Legal Counsel              |
| 5. Mr. Boniface Mugambi   | Sergeant at arms           |

## **MINUTE NO. 037/2018      PRELIMINARIES**

The meeting was called to order at fifteen minutes past ten o'clock, and commenced with a word of prayer by Hon. Capt. Ruweida Mohamed, M.P. Introductions followed thereafter.

## **MIN.NO. 038/2018      CONSIDERATION OF EAC BILLS**

### **East African Community Counter-Trafficking In Persons Bill, 2016**

The objective of this Bill is to provide for a legal framework for the prevention of trafficking in persons, the prosecution of perpetrators as well as the development of partnerships for cooperation to counter trafficking in persons in the Community. The objective of the Bill is to provide a legal framework to prevent counter-trafficking in persons, to protect and assist victims as well as to promote cooperation of the partner states so as to prevent counter-trafficking in persons.

The Bill provides for the offence of trafficking in persons as well as other related offences. It prohibits the threat or use of force, abduction, deception or fraud, abuse of power to recruit, transfer or harbor another person for purposes of exploitation of that person. The Bill makes trafficking in persons an offence notwithstanding the consent that may be given by the victim of trafficking, and provides that a person found guilty of the offence of trafficking in persons shall be liable for punishment in accordance with the specific country concerned.

The Bill further requires the partner states to harmonize the laws on trafficking in persons, and sets a minimum of ten years imprisonment for any person found guilty of the offence of trafficking in persons.

### **East African Community Cross Border Trade in Professional Services Bill, 2017**

The objective of this Bill is to provide for the conduct and regulation of cross border trade in professional services within the EAC, thereby facilitate the free movement of persons, labour and services within the region.

The objective of the Bill is to promote cross border trade in professional services within the Community, promote harmonization of professions training as well as to facilitate free movement of trade in professional services within the EAC.

The Bill provides for the discipline of professionals. It establishes the EAC Professionals Disciplinary Committee, which shall have the power to address complaints against the professionals that arise from cross border trade in professional services within the EAC. It sets out the procedure for lodging a complaint, the accused's right to be heard and right to a fair hearing, as well as the orders that may be made by the Disciplinary Committee, which include admonishing, suspension or striking off the roll.

### **The East African Community Mining Bill, 2017**

The objective of this Bill is to provide a legal framework for the regulation of mining operations in the Community. The Bill seeks to operationalize Article 114(2)(c)(iv) of the Treaty for the establishment of the East African Community which requires the harmonization of mining regulations to ensure environmentally friendly and sound mining practices.

The objective of the Bill is to provide a harmonized legal framework in the mining sector within the Community, ensure transparent and accountable mechanisms for reporting of mining operations, align the mining governance in the Community as well as to promote common standards and rules to regulate mining within the Community.

The Bill further requires the partner states to develop comprehensive legislation governing mineral resources within their jurisdiction, and that the terms and conditions of a mineral, investment or mining agreement shall be set out in legislation.

The Bill also provides for access to information and transparency, and requires the partner states to develop legislation that shall ensure access to information on mining and mineral related

activities. Specifically, the partner states shall ensure transparency in regards to public disclosure of mining agreements; payments made in respect of mining rights, annual reports as well as audited financial statements.

### **The East African Community Prohibition of Female Genital Mutilation Bill, 2016**

This Bill seeks to prohibit the practice of female genital mutilation within the East African Community so as to encourage the full participation of women in matters of regional integration and development. The Bill also seeks to establish an institutional mechanism for the prosecution of offenders.

The objective of the Bill include the prohibition of the practice of female genital mutilation, the provision of a minimum penalty for the offence, establishment of institutions to foster cooperation in the prosecution of offenders as well as the development and harmonization of policies, laws and strategies to prevent female genital mutilation. The Bill seeks to set a minimum penalty for the offences as imprisonment for a term not less than three years, or a fine not less than one thousand dollars, or both.

Further, the Bill mandates the partner states to adopt comprehensive laws to prohibit FGM, as well as to avail resources as well as strategies, policies and programmes for the elimination of FGM.

### **The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015**

The objective of this Bill is to provide for the retirement benefits and payment of gratuity for specified leaders who have honourably served and completed their terms in the service of the Community. Specifically, the Bill identifies the leaders as the former President of the East African Court of Justice, the former Speaker of the East African Legislative Assembly and the former Secretary-General of the East African Community.

The Bill provides for the provisions governing the retirement benefits, and the circumstances under which a former head of organ of the Community shall be entitled to retirement benefits, which are upon completion of a term in office, upon abolition of the office, inability to continue in office on medical grounds and upon death while still in office.

The Bill spells out the actual entitlements that the heads of organs shall receive as benefits, and also provides for the payment of gratuity to their dependents in the event of death.

**The East African Community Youth Council Bill, 2017**

The objective of this Bill is to provide a legal framework for the harmonization of laws and policies regarding the youth within the East African community, and is premised on Article 120 of the Treaty for the Establishment of the East African Community. The Bill seeks to harmonise the laws and regulations pertaining to the youth within the East African Community.

The objective of the Bill is set out as to provide a regional platform for the articulation of youth issues and to promote the participation of youth in all stages of regional development and integration. The guiding principles of the Bill, are ethics, integrity, impartiality and unity in diversity.

The Bill provides for the establishment of the East African Youth Council whose mandate shall be to ensure the implementation of the youth policy, fostering the interests of the youth in the integration process of the EA Community as well as encouraging the formation of youth organizations.

**MINUTE NO. 039/2018**

**ADJOURNMENT**

The meeting was adjourned at twenty minutes past one o'clock.

SIGNED.....



(Chairperson)

DATE.....

12<sup>th</sup> April 2018

**MINUTES OF THE TWELFTH SITTING OF THE SELECT COMMITTEE ON  
REGIONAL INTEGRATION HELD ON FRIDAY 2<sup>ND</sup> MARCH, 2018 IN BOMA  
HOTEL, NAIROBI AT 2:00P.M.**

**PRESENT**

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

**APOLOGIES**

1. Hon. Eve Obara, M.P.
2. Hon. Malulu Injendi, M.P
3. Hon. Erastus Nzioka, M.P.

**ABSENT**

1. Hon. Christopher Nakuleu, M.P.

## **SECRETARIAT**

- |                           |                            |
|---------------------------|----------------------------|
| 1. Ms. Hellen Ekadeli     | Clerk Assistant III        |
| 2. Ms. Mary Lemerelle     | Clerk Assistant III        |
| 3. Dr. Kefa Omoti         | Principal Research Officer |
| 4. Ms. Christine Odhiambo | Legal Counsel              |
| 5. Mr. Boniface Mugambi   | Sergeant at arms           |

## **MINUTE NO.040/2018      SUBMISSIONS BY THE MINISTRY OF EAST AFRICA COMMUNITY**

The Ministry informed the Committee that–

- The East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 had since been passed by the East Africa Legislative Assembly and were awaiting assent. Further, the versions of the Bills that had been sent for assent were different from those before the Committee. The Ministry would therefore forward the versions of the Bills for assent at a later date;
- The East African Community Youth Council Bill, 2017 had gone to the Third Reading in the previous Assembly (Third Assembly) but had been rejected at the Third Reading stage. The Bill had therefore not been re-introduced in the Fourth Assembly;
- The East African Community Cross Border Trade in Professional Services Bill, 2017 and the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 were pending from the previous Assembly (Third Assembly) and were yet to be re-introduced in the Fourth Assembly.

However, it was noted that the Committee would give validation of contents of the bill.

**MINUTE NO.041/2018**      **WAY FORWARD ON THE BILLS**

The Committee observed the following;


- The East African Community Counter-Trafficking in Persons Bill, 2016 and Female Genital Mutilation Bill, 2016 passed, waiting assent.
- East African Community Retirement Benefits for Specified Heads of Organs Bill lapsed, waiting for re-introduction in the Fourth Assembly.
- The East African Community Youth Council Bill, 2017 was rejected
- The East African Community Cross Border Trade in Professional Services Bill, 2017 underwent 1<sup>st</sup> reading, and if saved by the 4<sup>th</sup> assembly will be submitted for public participation

**MINUTE NO.042/2018**      **COMMITTEE RECOMMENDATIONS**

Having considered the Bills and taken into consideration the submissions by the Ministry, the Committee resolved that it would await the re-introduction of the Bills into the Fourth Assembly of the East Africa Legislative Assembly. Further, the Committee resolved that it would await the Ministry to forward the versions forwarded for assent of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before it could give its input in respect of the same.

**MINUTE NO. 043/2018**      **ADJOURNMENT**

There being no other business, the meeting adjourned at 3.30pm.

SIGNED..........

(Chairperson)

DATE.....*12<sup>th</sup> April 2018*.....

**MINUTES OF THE THIRTEENTH SITTING OF THE SELECT COMMITTEE ON  
REGIONAL INTEGRATION HELD ON FRIDAY 3<sup>RD</sup> MARCH, 2018 IN BOMA  
HOTEL, NAIROBI AT 10:00A.M.**

**PRESENT**

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

**APOLOGIES**

1. Hon. Eve Obara, M.P.
2. Hon. Malulu Injendi, M.P
3. Hon. Erastus Nzioka, M.P.

**ABSENT**

1. Hon. Christopher Nakuleu, M.P.

## **SECRETARIAT**

- |                           |                            |
|---------------------------|----------------------------|
| 1. Ms. Hellen Ekadeli     | Clerk Assistant III        |
| 2. Ms. Mary Lemerelle     | Clerk Assistant III        |
| 3. Dr. Kefa Omoti         | Principal Research Officer |
| 4. Ms. Christine Odhiambo | Legal Counsel              |
| 5. Mr. Boniface Mugambi   | Sergeant at arms           |

## **MINUTE NO.044/2018**

## **PROCESS OF LEGISLATION IN EAST AFRICAN LEGISLATIVE ASSEMBLY**

- Counsel Bills-taken by the executive of Partner States to EALA for amendments, not subjected to Public Participation because all the relevant stakeholders are invited at the initiation stage
- Private members bill- after passed at 1<sup>st</sup> reading requires public participation and goes back to EALA for 2<sup>nd</sup> and 3<sup>rd</sup> reading and when passed he assent given by head of state.
- The summit of head of states agreed that they will be signing the bills that are passed , then sent back to stakeholders for validation to check whether feedback on the bills have been taken account of.
- Framework-on how to get input from other partner states –be part of the creation of the EAC Bills

## **MINUTE NO.045/2018**

## **RATIFICATION PROCESS MINISTRY OF EAST AFRICA COMMUNITY**

The meeting was informed that the process of developing protocols involves engaging of relevant stake holders which constitute institutions and line ministries and once finalized and gone through the counsel decisions it comes back to partner states which is then sent to cabinet for agreement, whereof the responsible cabinet forwards to National Assembly for consideration and give consent for ratification.

The meeting was also informed that the protocol seeks to mandate the partner states to cooperate in data processing and analysis and to exchange meteorological data and information. The Protocol also provides that the partner states shall harmonize their laws and policies on meteorology.

That the main object of the protocol is to promote cooperation in the provision of Meteorological Services within the Community. In terms of scope, the protocol guides Partner States Cooperation in;

- a) The planning, designing and development of weather and climate observations networks and Meteorological Telecommunication Systems
- b) The processing and analysis of data and sharing of Meteorological information for safety of navigation
- c) The development and sharing data of early warning systems

Further, it was brought to the attention of the meeting that in order to implement the Protocol, the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies. The Committee was therefore required to note contents of the Protocol's memorandum and ratify the EAC protocol on cooperation in Meteorological Services.

The meeting was informed that the processing and analysis of data was important for safety of navigation and it was only through a reliable meteorological data that would allow for navigation of data

That the protocol had no additional financial implications and was awaiting approval by National Assembly.

**MINUTE NO. 047/2018**

**ADJOURNMENT**

The meeting was adjourned at twenty minutes past twelve o'clock.

SIGNED.....  .....

(Chairperson)

DATE..... 12<sup>th</sup> April 2018 .....

**MINUTES OF THE FOURTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON FRIDAY 3<sup>RD</sup> MARCH, 2018 IN BOMA HOTEL, NAIROBI AT 2:00P.M.**

**PRESENT**

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

**APOLOGIES**

1. Hon. Eve Obara, M.P.
2. Hon. Malulu Injendi, M.P
3. Hon. Erastus Nzioka, M.P.

**ABSENT**

1. Hon. Christopher Nakuleu, M.P.

**SECRETARIAT**

- |                           |                            |
|---------------------------|----------------------------|
| 1. Ms. Hellen Ekadeli     | Clerk Assistant III        |
| 2. Ms. Mary Lemerelle     | Clerk Assistant III        |
| 3. Dr. Kefa Omoti         | Principal Research Officer |
| 4. Ms. Christine Odhiambo | Legal Counsel              |
| 5. Mr. Boniface Mugambi   | Sergeant at arms           |

**MINUTE NO.048/2018**      **COMMITTEE RECOMMENDATIONS**


Having considered the Protocol and taken into consideration the submissions by the Ministry, the Committee resolved to be in support of the Protocol as it would go a long way in fostering better regional integration in matters related to meteorological services.

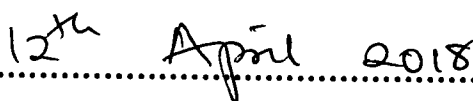
**MINUTE NO.049/2018**      **A.O.B**

- There Committee noted that there was a need for a session between all the Members of the Committee and the EALA Speaker and the Clerk, so as to enable the Committee to familiarize itself with EALA’s legislative process. The Secretariat were tasked to liase with the Ministry’s liaison officer to organize for a Committee meeting with EALA.
- The Committee felt the need to visit the one stop border points in the country so as to pick out any issues emerging and resolve issues of conflict. It was agreed that Members should propose the areas that they may have an interest in visiting. The Committee Secretariat should therefore fast track the letters to be sent out as soon as possible.

**MINUTE NO. 050/2018**      **ADJOURNMENT**

The meeting was adjourned at twenty minutes past twelve o’clock.

SIGNED.....  
(Chairperson)

DATE.....

**MINUTES OF THE SIXTEENTH SITTING OF THE SELECT COMMITTEE ON REGIONAL INTEGRATION HELD ON THURSDAY 22<sup>ND</sup> MARCH, 2018 IN MEMBERS' LOUNGE (NEW WING) AT 9.00 A.M.**

**PRESENT**

1. Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
2. Hon. William Kamket, M.P.
3. Hon. Ndindi Nyoro, M.P.
4. Hon. Abdi Mude Ibrahim, M.P
5. Hon. Nasri Sahal Ibrahim, M.P
6. Hon. Dr. Gideon Ochanda, M.P.
7. Hon. Mathias Robi, M.P
8. Hon. Geoffrey Omuse, M.P
9. Hon. Malulu Injendi, M.P
10. Hon. Erastus Nzioka, M.P.
11. Hon. Gideon Keter, M.P
12. Hon. Kubai Iringo, M.P
13. Hon. Kassim Tandaza, M.P
14. Hon. Ali Wario Guyo, M.P.
15. Hon. Memusi Ole Kanchory, M.P

**APOLOGIES**

1. Hon. Naisula Lesuuda, M.P, OGW - Chairperson
2. Hon. Joyce Emanikor, M.P
3. Hon. Rozaah Buyu, M.P
4. Hon. Ezekiel Ombaki, M.P
5. Hon. Janet Ong'era, M.P.
6. Hon. Janet Teiyaa, M.P
7. Hon. Eve Obara, M.P.

**ABSENT**

1. Hon. Christopher Nakuleu, M.P.

## **SECRETARIAT**

1. Ms. Hellen Ekadeli Clerk Assistant III
2. Ms. Mary Lemerelle Clerk Assistant III
3. Mr. Boniface Mugambi Sergeant at arms

### **MINUTE NO.056/2018      PRELIMINARIES**

The meeting was called to order at 9.15 a.m. and commenced with a word of prayer by Hon. Kubai Iringo, M.P. The meeting was informed on the agenda as confirmation and adoption of minutes and report on EAC Bills and EAC Protocol on Cooperation of Meteorological Services.

### **MINUTE NO.057/2018      CONFIRMATION OF MINUTES ON EAC BILLS & PROTOCOL ON METEOROLOGICAL SERVICES**

- Minutes of the 11<sup>th</sup> sitting held on Friday 2<sup>nd</sup> March, 2018 in Boma hotel, Nairobi at 10:00 a.m. were confirmed as true deliberations of the proceedings having been proposed by Hon. Kamket Kassai, M.P and seconded by Hon. Ali Wario, M.P and were signed by the Vice Chairperson.
- Minutes of the 12<sup>th</sup> sitting held on Friday 2<sup>nd</sup> March, 2018 in Boma hotel, Nairobi at 2:00 p.m. were confirmed as true deliberations of the proceedings having been proposed by Hon. Ndindi Nyoro, M.P and seconded by Hon. Nasri Ibrahim, M.P and were signed by the Vice Chairperson.
- Minutes of the 13<sup>th</sup> sitting held on Friday 3<sup>rd</sup> March, 2018 in Boma hotel, Nairobi at 10:00 a.m. were confirmed as true deliberations of the proceedings having been proposed by Hon. Ali Wario, M.P and seconded by Hon. Nasri Ibrahim, M.P , M.P and were signed by the Vice Chairperson.
- Minutes of the 14<sup>th</sup> sitting held on Friday 3<sup>rd</sup> March, 2018 in Boma hotel, Nairobi at 10:00 a.m. were confirmed as true deliberations of the proceedings having been proposed by Hon. Gideon Ochanda, M.P and seconded by Hon. Kassim Tandaza, M.P and were signed by the Vice Chairperson.

**MINUTE NO.058/2018**

**ADOPTION OF REPORT ON EAC BILLS AND EAC  
PROTOCOLON COOPERATION OF METEOROLOGICAL  
SERVICES**

There Committee unanimously adopted the report on the EAC Bills; and EAC Protocol on Cooperation in Meteorological Services having been proposed by Hon. Iringo Kubai, M.P and seconded by Hon. Kamket Kassait, M.P and signed by the Vice Chairperson.

**MINUTE NO. 059/2018**

**ADJOURNMENT**

There being no other business, the meeting was adjourned at forty minutes past ten o'clock.

SIGNED.....

(Chairperson)

DATE.....12/04/2018



**KENYA NATIONAL ASSEMBLY**  
**TWELFTH PARLIAMENT**

**SELECT COMMITTEE ON REGIONAL INTEGRATION**

**MEMBERS' ATTENDANCE**

\*\*\*\*\*

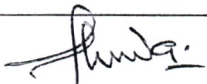
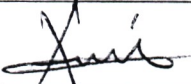
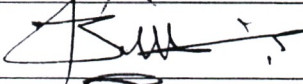




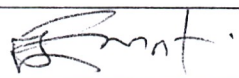
\*\*\*\*\*

Date: 22<sup>ND</sup> MARCH, 2018 (9:00 A.M)

Venue: MEMBERS' LOUNGE

Agenda: ADOPTION OF REPORT ON EAC BILLS & EAC PROTOCOL ON COOPERATION OF METEOROLOGICAL SERVICES

	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. 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	

**For: The Clerk of the National Assembly**

## **ANNEX I**

### **The East African Community Counter-Trafficking in Persons Bill, 2016**

---

THE EAST AFRICAN COMMUNITY

**BILLS SUPPLEMENT**

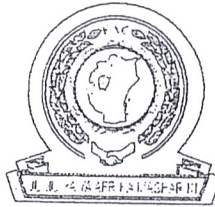
No. 8

19th August, 2016.

*to the East African Community Gazette No. 8 of 19th August, 2016.*

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

---



THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY COUNTER-TRAFFICKING  
IN PERSONS BILL, 2016.

**MEMORANDUM**

The object of this Bill is to provide for a legal framework for the prevention of trafficking in persons, prosecution of perpetrators of trafficking in persons, provision of protection mechanisms and services for victims of trafficking in persons, and development of partnerships for cooperation to counter trafficking in persons in the Community.

This Bill is premised on: —

- (a) article 76 of the Treaty on Establishment of the East African Community which provides for establishment of a Common Market among the Partner States and further provides that within the Common Market, and subject to the Protocol on the establishment of the Common Market, there shall be free movement of labour, goods, services, capital, and the right of the establishment.

- (b) Article 7(3) of The Treaty for the Establishment of the East African Community under which the Partner States guarantee the protection of the citizens of the other Partner States while in their territories;
- (c) the East African Community Customs Union Management Act, 2004 which explicitly prohibits transportation and sale of human parts;
- (d) Article 124(5) of the Treaty under which the Partner States agree to enhance co-operation in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities;
- (e) the East African Community Protocol on Peace and Security which provides under Article 2 on scope of operation that the Partner States agree to, inter alia cooperate in combating transnational and cross border crimes; including human trafficking, and undertake joint operations in controlling and preventing transnational and cross border crimes including human trafficking;
- (f) the Protocol to the African Charter on Human and Peoples' rights on the rights of Women in Africa which provides under Article 4(2)(g) that State Parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women at risk.

This Bill further obliges the Council of Ministers to establish such institutions as the Council may deem appropriate to achieve its objectives, promote coordinated action in recognition of increasing levels of the integration process evidenced by, inter alia, the recent agreement on introduction of an international East African E-Passport.

HON. DORA C. KANABAIITA BYAMUKAMA (MP)  
*Member, East African Legislative Assembly.*

THE EAST AFRICA COMMUNITY COUNTER-  
TRAFFICKING IN PERSONS BILL, 2016

---

ARRANGEMENT OF CLAUSES

*Clause*

PART I—PRELIMINARY

1. Short title and commencement.
2. Interpretation
3. Objective

PART II—TRAFFICKING IN PERSONS AND  
RELATED OFFENCES

4. Trafficking in persons
5. Offences by bodies corporate
6. Restitution
7. Forfeiture
8. Immunity of victim from prosecution
9. Adoption of legislation and other measures to counter trafficking in persons

PART III—PREVENTION, COOPERATION  
AND OTHER MEASURES

10. Prevention of trafficking in persons
11. Information exchange and training
12. Border measures
13. Security and control of documents
14. Legitimacy and validity of documents

PART IV—PROTECTION OF VICTIMS OF  
TRAFFICKING IN PERSONS

15. Assistance to and protection of victims of trafficking in persons

*East African Community  
Counter-Trafficking in Persons Bill, 2016*

---

*Clause*

16. Status of victims of trafficking in persons in receiving States
17. Repatriation of victims of trafficking in persons

PART V—PROSECUTION OF THE OFFENCE OF  
TRAFFICKING IN PERSONS

18. Prosecution and penalties

PART VI—INSTITUTIONAL ARRANGEMENTS

19. Establishment of institutions

PART VII—MISCELLANEOUS

20. Annual report
21. Compliance with the Act
22. Regulations

THE EAST AFRICAN COMMUNITY COUNTER-  
TRAFFICKING IN PERSONS BILL, 2016

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY COUNTER-  
TRAFFICKING IN PERSONS ACT, 2016

**An Act to provide a legal framework for the prevention of trafficking in persons, prosecution of traffickers, protection of victims of trafficking in persons and other related matters.**

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

PART I—PRELIMINARY PROVISIONS

1. This Act may be cited as the East African Community Counter-Trafficking in Persons Act, 2016 and shall come into force on such date as the Council may by notice published in the Gazette appoint.

Short title  
and  
commence-  
ment.

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

Inter-  
pretation

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

“child” means any person under eighteen years of age;

“civil society” means a realm of organized social life that is voluntary, self generating, self – supporting, autonomous from the state, and bound by a legal set of shared values;

“common market” means the Partner States’ markets integrated into a single market in which there is free movement of capital, labour, goods and services;

“common standard travel document” means a passport or any other valid travel document establishing the identity of the holder, issued by or on behalf of the Partner State of which he or she is a citizen, and includes an inter-state pass;

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

“co-operation” includes the undertaking by the Partner States in common, jointly or in concert, of activities undertaken in furtherance of the objectives of the Community as provided for under this Treaty or under any contract or agreement made thereunder or in relation to the objectives of the Community;

“consent” consent of a victim of trafficking in persons to the intended exploitation as defined in this Act shall be irrelevant where any of the means set forth in the definition of “trafficking in persons as provided for under this Act” have been used;

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

“exploitation” includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

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

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

“trafficking in children” the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in the definition for trafficking in persons as provided for under this Act;

“trafficking in persons” means recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other form of coercion, abduction, fraud, deception, or the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Objective

3. The objective of this Act is to provide a legal framework at the East African Community level to—

- (a) prevent and counter trafficking in persons, paying particular attention to women and children; and vulnerable members of society;
- (b) protect and assist the victims of trafficking in persons in a manner that respects their human rights; and
- (c) promote cooperation and harmonized action among the Partner States in order to prosecute perpetrators and comprehensively counter trafficking in persons.

PART II—TRAFFICKING IN PERSONS AND RELATED OFFENCES

Trafficking  
in persons

4. (1) A person commits the offence of trafficking in persons where, for the purpose of exploitation that person—

- (a) recruits, transports, transfers, harbours or another receives another person within a Partner State;
- (b) recruits, transports or transfers or receives another person from a Partner State to another country;

(c) recruits, transports or transfers another person from another country into a Partner State, by any of the special means in subsection (2).

(2) The means referred to in subsection (1) are--

(a) threat or use of force or other form of coercion;

(b) abduction;

(c) deception or fraud;

(d) the abuse of power, or a position of vulnerability;

(e) the giving or receiving of a benefit in order to obtain the consent of a person who has control over another person.

(3) Notwithstanding the absence of the use of the means specified in paragraphs (a) to (e) of subsection (2), a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons.

(4) It shall not be a defence for a person who commits the offence of trafficking in persons that the offence was committed with the victim's consent.

(5) A person who facilitates the offence of trafficking persons commits an offence.

(6) A person who commits the offence of trafficking in person or who facilitates that offence is liable on conviction to such fine or term of imprisonment as the penal laws of the Partner State may prescribe.

*East African Community  
Counter-Trafficking in Persons Bill, 2016*

---

(7) A person who, for the purpose of committing or facilitating an offence under subsection (1) conceals, removes, withholds or destroys any travel document that belongs to another person, or document that establishes or purports to establish another person's identity or immigration status, is liable on conviction to such fine or term of imprisonment as the laws of the Partner State may prescribe.

(8) Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction to such fine or term of imprisonment as the laws of the Partner State may prescribe.

(9) For the purposes of this section, an offence under subsection (1) is facilitated—

(a) where the person alleged to have facilitated the offence knows that such an offence is intended to be facilitated;

(b) whether or not the person alleged to have facilitated the offence knows the specific nature of the offence that is intended to be facilitated; and

(c) whether or not the offence was actually committed.

Offences by  
bodies  
corporate

5. (1) Subject to subsection (2), where a body corporate commits an offence under this Act, every director, manager, secretary or other similar officer concerned with the offence is liable on conviction to such fine or term of imprisonment as the penal laws of the Partner State may prescribe.

(2) A director, manager, secretary or other similar officer concerned with the management of a body corporate shall not be liable for an offence against this Act unless the Court is satisfied—

(a) that the offence was committed with his or her connivance; or

(b) he or she did not exercise all such diligence to prevent the commission of the offence, having regard to the nature of functions in that capacity and to all the circumstances.

(3) A body corporate which commits an offence under this Act is liable on conviction to such fine as may be prescribed by the penal laws of the Partner State.

6. (1) Where a person is convicted of the offence of trafficking in persons the court may order that person to pay Restitution restitution to the victim.

(2) Restitution shall compensate, where applicable, for any of the following—

(a) costs of medical and psychological treatment;

(b) costs of physical and occupational therapy and rehabilitation;

(c) costs of necessary transportation, temporary housing and child care;

(d) lost income;

(e) attorney's fees and other legal costs;

(f) compensation for emotional distress, pain and suffering;

(g) any other losses suffered by the victim which the court considers applicable.

*East African Community  
Counter-Trafficking in Persons Bill, 2016*

---

Forfeiture

7. (1) All property belonging to persons convicted of the offence of trafficking in persons that was used or obtained in the course of the crime, or the benefits gained from the proceeds of the crime shall be liable to forfeiture to the Partner State in the manner prescribed by regulations made under this Act.

(2) Where any property under subsection (1) is located in the territory of another Partner State, that property shall be subject to forfeiture to the extent that it can be retrieved by the Government of the Partner State.

Immunity of  
victim from  
prosecution

8. Where a person provides evidence that he or she is a victim, that person shall not be liable to prosecution for any offence against the laws immigration or prostitution, that is a direct result of the offence of trafficking in persons committed against him or her.

Adoption of  
legislation  
and other  
measures to  
counter  
trafficking  
in persons

9. Each Partner State shall adopt such legislative and other measures as may be necessary, to counter the crime of trafficking in persons and related offences in the Community.

PART III—PREVENTION, COOPERATION AND OTHER MEASURES

Prevention  
of  
trafficking  
in persons

10. (1) The Partner States shall prevent, cooperate and adopt measures to prevent trafficking in persons and in particular—

(a) establish comprehensive policies, programmes, laws and other measures to prevent and combat trafficking in persons;

(b) protect victims of trafficking in persons especially women and children from re-victimization;

(c) undertake research, information and mass media campaigns and social economic initiatives to prevent and combat trafficking in persons;

- (d) develop appropriate policies and programmes to alleviate factors that make persons, especially women and children vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunities; and
- (e) adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons that leads to trafficking.

**11.** (1) Law enforcement, immigration and other relevant authorities of the Partner States shall cooperate with each other by exchanging information in accordance with the Treaty and the national legal frameworks, to enable them determine—

Information  
exchange  
and training

- (a) whether individuals crossing or attempting to cross any border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;
- (b) the types of travel documents that individuals have used or attempted to use to cross any border are intended for the purpose of trafficking in persons; or
- (c) the means and methods used by organized groups of persons for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking and possible measures for detecting them.

(2) The Partner States shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons.

(3) The training under subsection (2) shall focus on—

(a) the different forms of trafficking in persons;

(b) the methods used in preventing trafficking in persons;

(c) specialized training for prosecuting the traffickers;

(d) protecting the rights of victims, including protecting the victims from the traffickers;

(e) the need to consider human rights and child and gender sensitive issues; and

(f) encouraging cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

(4) The Partner State that receives information under this section shall comply with any request by a Partner State that transmitted the information that places restrictions on its use.

Border  
measures

**12.** (1) Without prejudice to free movement of persons provided for by the Treaty, the Partner States shall strengthen such border controls as may be necessary to prevent and detect trafficking in persons.

(2) Each Partner State shall adopt legislative or other appropriate measures to prevent means of transport operated by commercial carriers from being used in the commission of the offence of trafficking in persons.

(3) Where appropriate, and without prejudice to applicable international conventions, measures under sub section (2) shall include establishing the obligation of commercial carriers, including any transport company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

(5) Each Partner State shall consider taking measures that permit, in accordance with its national laws, the denial of entry or revocation of visas of persons implicated in the commission of offences of trafficking in persons.

(6) The Partner States shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

13. Each Partner State shall take such measures as may be necessary to ensure—

Security and  
control of  
documents

(a) that travel or identity documents issued by it are of such quality that they cannot be misused, readily falsified, unlawfully altered, replicated or issued; and

(b) that the integrity and security of travel or identity documents issued by or on behalf of the Partner State is guaranteed to prevent their unlawful creation, issuance and use.

14. At the request of another Partner State, a Partner State shall, in accordance with its national laws, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name suspected of being used for trafficking in persons.

Legitimacy  
and validity  
of  
documents

PART IV — PROTECTION OF VICTIMS OF TRAFFICKING IN  
PERSONS

Assistance  
to and  
protection  
of victims  
of  
trafficking  
in persons

**15.** (1) Each Partner State shall protect the privacy and identity of victims of trafficking in persons, including, *inter alia*, by making legal proceedings relating to such trafficking confidential.

(2) Each Partner State shall ensure that its national legal or administrative systems contain measures that provide victims of trafficking in persons with—

(a) information on relevant court and administrative proceedings; and

(b) assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

(3) Each Partner State shall ensure that its legal systems contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damages suffered.

(4) Each Partner State shall implement measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including co-operation with non-governmental organizations, in particular, the provision of—

(a) appropriate housing;

(b) counseling and information regarding their legal rights, in a language that the victims of trafficking in persons understand;

(c) medical, psychological and material assistance;  
and

(d) employment, educational and training opportunities.

(5) Each Partner State shall, in applying this section take into account the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

(6) Each Partner State shall provide for the physical safety of victims of trafficking in persons while they are within its territory.

16. (1) In addition to providing assistance to and protection of victims of trafficking in persons as provided for under this Act, each Partner State shall adopt, strengthen and implement legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

Status of  
victims of  
trafficking  
in persons  
in receiving  
States

(2) In permitting victims of trafficking in persons to remain in its territory, a Partner State shall give appropriate consideration to humanitarian and compassionate factors.

17. (1) The Partner State of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving Partner State shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

Repatriation  
of victims  
of  
trafficking  
in persons

(2) When a State returns a victim of trafficking in persons to a State of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State, the right of permanent residence, such return shall be with due regard for the safety of that person and for

the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

(3) At the request of a receiving Partner State, a requested Partner State shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving Partner State.

(4) In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the Partner State of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving Partner State shall agree to issue, at the request of the receiving Partner State, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

(5) This Section shall apply without prejudice to any right afforded to victims of trafficking in persons by any national law of the receiving Partner State, or to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

PART V — PROSECUTION OF THE OFFENCE OF TRAFFICKING IN  
PERSONS

Prosecution  
and  
penalties

**18.** (1) Prosecution of the offence of trafficking in persons and other related offences shall be executed in accordance with the laws of the respective Partner State.

(2) The Partner States shall take steps to harmonize national laws and penalties for the offence of trafficking in persons and offences related to trafficking in persons.

(3) Without prejudice to the provisions of this section, the offence of trafficking in persons shall, in the Community, be punishable by a minimum of 10 years imprisonment.

PART VI—INSTITUTIONAL ARRANGEMENTS

19. (1) The Council shall designate and establish such institutions as the Council may deem necessary for the effective implementation of this Act. Establishment of institutions

(2) Without prejudice to the generality of subsection (1), the institutions designated and established under that subsection shall—

- (a) promote the harmonization of laws and policies, coordination of strategies to counter trafficking in persons and advance the purposes of this Act;
- (b) share information, compile, document data and information on cases of trafficking in persons for purposes of policy formulation in order to develop mechanisms to ensure timely, coordinated, and effective response;
- (c) plan, coordinate specialized joint training programmes and promote education and awareness in relation to trafficking in persons;
- (d) develop common mechanisms to monitor and evaluate the implementation of laws, policies, plans and other measures to counter trafficking in persons;

(e) prepare annual reports for consideration by the Council; and

(e) perform such other functions as the Council may determine.

PART VII—MISCELLANEOUS PROVISIONS

Annual  
report

**20.** (1) The Head institution designated and established under section 19 shall prepare an annual report on its functions during that year.

(2) The annual report prepared under subsection (1) shall be submitted to the Council, which shall cause it to be laid before the Assembly within six months after receiving the report.

Compliance  
with the Act

**21.** This Act shall take precedence over other laws in the Partner States to which its provisions relate.

Regulations

**22.** The Council may make regulations generally for the effective implementation of this Act.

## **ANNEX II**

The EAC Cross Border Trade in Professional Service Bill, 2017.

EUCAU

---

THE EAST AFRICAN COMMUNITY

**BILLS SUPPLEMENT**

No. 6

19th May, 2017.

*to the East African Community Gazette No. 5 of 19th May, 2017.*

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

---



THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY CROSS BORDER TRADE IN  
PROFESSIONAL SERVICES BILL, 2017

**MEMORANDUM**

The object of this Bill is to provide for the conduct and regulation of Cross Border Trade in Professional Services in the Community, and to make provisions for purposes connected to the practice of professions through borders of the Community.

The Bill is premised on Article 104 of the Treaty for the Establishment of the East African Community, under which the Partner States undertook to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

The Bill in addition seeks to operationalise Article 76 of the Treaty which provides for free movement of labour, goods, services, capital and the right of establishment. The Bill takes into account the provisions of the Protocol on the Establishment of the East African Community Common Market, in particular Article 10 on free movement of workers and Article 11 on harmonisation and mutual recognition of academic and professional qualifications.

HON. FRED MUKASA MBIDDE,  
*Member East African Legislative Assembly.*

*East African Community*  
*Cross Border Trade in Professional Services Bill, 2017*

---

THE EAST AFRICAN COMMUNITY CROSS BORDER  
TRADE IN PROFESSIONAL SERVICES BILL 2017

ARRANGEMENT OF CLAUSES.

*Clause*

PART I—PRELIMINARY

1. Short title
2. Interpretation
3. Objectives of the Act

PART II—THE EAST AFRICAN PRACTITIONERS COUNCIL.

4. Establishment of the East African professional practitioners Council.
5. Functions of the Practitioners Council.
6. Secretary of the Practitioners Council.

PART III—CERTIFICATION OF PROFESSIONALS

7. Register of professionals
8. Reciprocal enforcement of suspensions and striking-off in Partner States
9. Notification to East Africa Practitioners Society

PART IV—DISCIPLINE OF PROFESSIONALS

10. Professional Disciplinary Committee
11. Composition of the Disciplinary Committee
12. Tenure of office
13. Vacation of office
14. Powers of the Disciplinary Committee
15. Proceedings of the Disciplinary Committee
16. Incompatible occupations
17. Professional misconduct
18. Complaints against professionals
19. Review
20. Report and action on complaint

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

*Clause*

PART V—MISCELLANEOUS PROVISIONS

21. Accounting for professionals
22. Regulations
23. Act to take precedence

THE EAST AFRICAN COMMUNITY CROSS BORDER  
TRADE IN PROFESSIONAL SERVICES BILL, 2017

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY CROSS  
BORDER TRADE IN PROFESSIONAL SERVICES  
ACT, 2017.

**An Act to provide for the conduct and regulation of cross border trade in professional services in the Community and to make general provision for other related purposes.**

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 East African Community Short title  
Cross Border Trade in professional services Act, 2017.

2. In this Act, unless the context otherwise requires— Inter-pretation  
“client” includes any person who, as a principal or an agent on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, expressed or implied, to retain or employ an professional;

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

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

“costs” includes fees, charges, disbursements, expenses and remuneration;

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

“cross border trade in professional services” means professional activities of any professional enrolled in one Partner State that are rendered in another Partner State, whether or not the professional is physically present in that other Partner State;

“Disciplinary Committee” means the East African Community Professionals Disciplinary Committee established by section 17;

“disciplinary record” includes any of the following, unless reversed on appeal or review—

(a) any action taken by a governing body as a result of discipline; (b) disbarment;

(c) a practitioner’s resignation or otherwise ceasing to be a member of a governing body as a result of disciplinary proceedings;

(d) restrictions or limits on a practitioner’s entitlement to practice; and

(e) any interim suspension or restriction or limits on a practitioner's entitlement to practice imposed pending the outcome of a disciplinary hearing;

“discipline” includes a finding by a governing body of any of the following—

(a) professional misconduct;

(b) incompetence;

(c) conduct unbecoming of a practitioner;

(d) lack of physical or mental capacity to engage in the practice of law; and

(e) any other breach of a practitioner's professional responsibilities;

“entitled to practice” means allowed, under all of the legislations and regulations of a home Partner State, to engage in the practice of the subject professional in the home jurisdiction;

“home Partner State” means the Partner State where the practitioner acquired the right to bear his or her professional title;

“host Partner State” means any other Partner State where the practitioner conducts or carries on cross border activities other than the home Partner State;

“indiscipline” includes a finding by a governing body of any of the following—

(a) professional misconduct;

(b) incompetence;

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

- (c) conduct unbecoming of a practitioner;
- (d) lack of physical or mental capacity to engage in professional practice; and
- (e) any other breach of a practitioner's professional responsibilities;

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

“practicing certificate” means a certificate issued by the Registrar to a practitioner, authorizing him or her to practice in any of the Partner States;

“practitioner” means any person whose name is duly entered on the list of practitioners of the said profession in a Partner State;

“Practitioners Council” means the East African Community Practitioners Council established by section 6;

“professionals society” means the East African Community Professionals Council established by section 4;

“register” means a register of eligible practitioners for only substantive professions;

“roll” means the list of practitioners kept in accordance with the Acts of the Partner States;

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

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

3. The objectives of this Act are to—

Objectives  
of the Act

- (a) promote cross border trade in professional services within the Community;
- (b) promote harmonization of professions training and certification;
- (c) facilitate free movement of trade in professional services in the Community.

PART II—THE EAST AFRICAN PRACTITIONERS COUNCIL

4. (1) There is established a council known as the East African Community Practitioners Council.

Establish-  
ment of the  
East African  
professional  
practitioners  
Council.

(2) The Council shall consist of—

- (a) a representative of the national professions council from each Partner State; and
- (b) a representative of the East African Practitioners Society who shall be the secretary.

(3) Members of the Practitioner's Council shall hold office for a period of two years and shall be eligible for reappointment.

(4) The office of the member of the Practitioners Council shall fall vacant upon his or her—

- (a) death;
- (b) resignation in writing addressed to the Chairperson;
- (c) misconduct;
- (d) inability to perform his or her duties by reason of any infirmity of body or mind. or

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

(e) vacation of office by virtue of which the appointment was made.

Functions of  
the  
Practitioners  
Council.

5. (1) The functions of the Practitioners Council shall be to—

(a) regulate cross border trade in professional services;

(b) advise and make recommendations to the national professionals' associations and professionals' councils on matters relating to cross border trade in professions services;

(c) exercise, through the medium of the Disciplinary Committee, disciplinary control over professionals engaged in cross border trade in professional services; and

(d) exercise any power or perform any duty authorised or required by this Act.

(2) The practitioner's council shall in conducting its business determine its own procedure, and for such purpose may make rules to guide it in the discharge of its functions.

Secretary of  
the  
Practitioners  
Council.

6. (1) There shall be a Secretary to the practitioners Council.

(2) The Secretary to the Practitioners Council shall be representative of the Council, and shall keep custody of the seal and all official documents of the Council.

(3) Any expenses incurred by the practitioners Council in the performance of its functions under this Act shall be drawn from fees payable by practitioners upon issuance of an East African Practicing Certificate.

*East African Community*  
*Cross Border Trade in Professional Services Bill, 2017*

---

PART III—CERTIFICATION OF PROFESSIONALS

7. (1) Every national practitioners council shall on an annual basis, submit a list of eligible practitioners for trade in professional services to the Secretary to the Practitioners Council. Register of professionals

(2) The Secretary shall upon receipt of the lists of professionals submitted under sub-section (1) compile a register of eligible professionals for that current year.

(3) The Secretary shall have custody of the register of eligible professionals submitted under sub-section (1).

(4) For the avoidance of doubt, an professional eligible to practice in one Partner State shall be eligible to practice in any other Partner State.

8. (1) If a practitioner is suspended from practice in a Partner State or struck off the roll of professionals by order of a competent court or other competent authority in that Partner State, that professional shall be ineligible to practice in any of the other Partner States. Reciprocal enforcement of suspensions and striking-off in Partner States

(2) The secretary shall cause a note of the suspension or strike off of a professional to be entered against the name of the professional in the register of eligible professionals.

(3) Where a professional is reinstated on the roll of professionals in the Partner State, that professional shall be eligible for reinstatement on the register of eligible professionals under this Act.

9. The Secretary of the Practitioners' Council shall notify the Secretary of the East Africa Practitioners Society of any entry in the register, in respect of any professional under this Act. Notification to East Africa Practitioners Society

*East African Community  
Cross Border Trade in Professional Services Bill, 2017*

---

PART IV — DISCIPLINE OF PROFESSIONALS

Professional  
Disciplinary  
Committee      **10.** There is established a Committee known as the East African Community Professionals Disciplinary Committee.

Composition  
of the  
Disciplinary  
Committee      **11.** The Disciplinary Committee shall consist of the following members—

- (a) a retired Judge appointed by the Practitioners Council, who shall be the Chairperson of the Committee;
- (b) one member nominated by the East Africa Practitioners Society;
- (c) one eminent professional from each Partner State with at least fifteen years' experience as a legal practitioner in the Partner State, nominated by the respective national bar association;
- (d) the Counsel to the Community; and
- (e) one representative of the Attorney General or the Minister of Justice from each Partner State.

Tenure of  
office      **12.** A member of the Disciplinary Committee shall each serve a three-year term, renewable once.

Vacation of  
office      **13.** The office of the member of the Disciplinary Committee shall fall vacant upon his or her—

- (a) death;
- (b) resignation in writing addressed to the Chairperson;
- (c) misconduct; or,
- (d) inability to perform his or her duties by reason of any infirmity of body or mind.

*East African Community*  
*Cross Border Trade in Professional Services Bill, 2017*

---

14. The Powers-of the Committee shall be to address complaints against the professionals that arise from cross border trade in professional services within the Community.

Powers of  
the  
Disciplinary  
Committee

15. The Disciplinary Committee shall in conducting its business determine its own procedure, and for such purpose may make rules to guide it in the discharge of its functions.

Proceedings  
of the  
Disciplinary  
Committee

16. Any professional who establishes in a host Partner State shall abide by the rules regarding forbidden or incompatible occupations as they are applied to professionals of that Partner State.

Incompatible  
occupations

17. (1) Professional misconduct under this Act includes—

Professional  
misconduct

(a) unsatisfactory professional conduct of an professional where the conduct involves a substantial or consistent failure to reach or maintain a reasonable standard of competence and diligence;

(b) conduct of a professional whether occurring in connection with the practice of professions or occurring otherwise than in connection with the practice of professions that would, if established, justify a finding that the practitioner is not a fit and proper person to engage in trade in professional services;

(c) practicing as a professional without possession of a valid practicing certificate or when the practicing certificate has been suspended or cancelled; or

(d) any other conduct recognised as a professional misconduct by the national laws of the home Partner State.

(2) For finding that a professional is not a fit and proper person to engage in trade in professional services, regard may be had to the suitability matters that would be considered if the practitioner were an applicant.

Complaints  
against  
professionals

**18.** (1) A complaint against a professional for professional misconduct may be made to the Disciplinary Committee by a national bar association, a practitioners society or an aggrieved person.

(2) Upon receipt of a complaint, the Secretary to the Disciplinary Committee shall refer the complaint to the Committee.

(3) The Disciplinary Committee shall give the professional against whom the complaint is made an opportunity to appear before it, and shall furnish him or her with a copy of the complaint, and of any affidavit made in support of the complaint, and shall give him or her an opportunity of inspecting any other relevant document not less than seven days before the date fixed for the hearing; but where in the opinion of the Committee the complaint does not disclose any prima facie case of professional misconduct, the Committee may, at any stage of the proceedings, dismiss the complaint without requiring the professional to whom the complaint relates to answer any allegations made against him or her and without hearing the complainant.

(4) After hearing the complainant and the to whom the complaint relates, if he or she wishes to be heard, and considering the evidence adduced, the Disciplinary Committee may order that the complaint be dismissed or, if of

the opinion that a case of professional misconduct on the part of the professional has been made out, the committee may order that—

- (a) the professional be admonished;
- (b) the professional be suspended from practice for a specified period not exceeding two years;
- (c) the name of the professional be struck off the roll.

(5) The Disciplinary Committee may make any such order as to payment by any party of any costs or witness expenses and of the expenses of the Committee in connection with the hearing of any complaint as it may think fit.

(6) The Disciplinary Committee may issue a warrant for the levy of the amount of any sum ordered to be paid by virtue of this section on the immovable and movable property of the professional by distress and sale under warrant, and the warrant shall be enforced as if it were a warrant issued by the High Court of the Partner State.

(7) The Disciplinary Committee may order any professional against whom a case of professional misconduct has been made out to restore any property in his or her possession or under his or her control to the person appearing to the committee to be entitled to the property.

(8) Any order made by the Disciplinary Committee under this section relating to the payment of compensation, costs or expenses, or to the restoration of property, shall be drawn up by the High Court.

(9) At the time of awarding any damages in any subsequent civil proceedings relating to the same matter, the court determining the civil suit shall take into account any sum recovered in pursuance of an order made under sub section (6).

Review

19. Notwithstanding any provisions of this Act, the Disciplinary Committee may review its decisions.

Report and  
action on  
complaint

20. (1) Upon the termination of the hearing of a complaint, if the Disciplinary Committee does not dismiss the complaint, the Committee shall compile its findings and the order or orders made by it in the form of a report to the High Court of the home Partner State which shall be delivered to the Registrar, together with the record of evidence taken and any documents put in evidence.

(2) The Registrar shall give to the complainant and to the professional to whom the complaint relates notice of delivery of the report, together with the record of evidence taken and any documents put in evidence.

(3) Where under any provision of this Act the name of a practitioner is struck off the Roll or a practitioner is suspended from practice, that practitioner's practicing certificate shall be deemed to have been cancelled or in case of suspension, cancelled for the duration of the suspension.

#### PART IV—MISCELLANEOUS PROVISIONS

Accounting  
for  
professionals

21. A professional carrying out cross border trade in professional services shall comply with the laws of host Partner State regarding remuneration, accounting and handling of client's funds, management of trust funds, liability insurance and defalcation compensation funds.

Regulations

22. The Council of Ministers may, upon recommendation of the Practitioners Council make regulations for the effective carrying out of the provisions and purposes of this Act.

Act to take  
precedence

23. This Act shall take precedence over the Partner States laws with respect to any matter to which its provisions relate.

## **ANNEX III**

The EAC Prohibition of Female Genital Mutilation Bill, 2016.

---

THE EAST AFRICAN COMMUNITY

**BILLS SUPPLEMENT**

No. 7

19th August, 2016.

*to the East African Community Gazette No. 8 of 19th August, 2016.*

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

---



THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY PROHIBITION OF FEMALE  
GENITAL MUTILATION BILL, 2016.

**MEMORANDUM**

The object of this Bill is to prohibit the practice of female genital mutilation in the East African Community, promote cooperation in the prosecution of perpetrators of female genital mutilation and develop common measures, strategies and programmes for the effective implementation of this Act and other related matters.

Female genital mutilation is defined by the World Health Organization as “comprising of all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”

This Bill is premised on Article 121 of the Treaty for The Establishment of the East African Community, under which “The Partner States recognize that women make a significant contribution towards the process of socio-economic transformation and sustainable growth and that it is impossible to implement effective programmes for the economic and social development of the Partner States without the full participation of women.

THE EAST AFRICAN COMMUNITY PROHIBITION OF  
FEMALE GENITAL MUTILATION BILL, 2016

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY PROHIBITION OF  
FEMALE GENITAL MUTILATION ACT, 2016

**An Act to prohibit the practice of female genital mutilation in the Community, to provide for the establishment an East African Community institutional mechanism to foster regional cooperation for the prosecution of offenders, and to provide for other related matters.**

PART I—PRELIMINARY PROVISIONS

1. This Act may be cited as the East African Community Prohibition of Female Genital Mutilation Act, 2016 and shall come into force on such date the Council may, by notice published in the Gazette appoint.

Short title  
and  
commence  
ment

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;

- “child” means a person below the age of 18 years;
- “Community” means the East African Community established by Article 2 of the Treaty;
- “Council” means the East African Community established by Article 9 of the Treaty;
- “female genital mutilation” comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female organ for non-medical reasons;
- “joint operations” means the operations, which involve multi-sectoral agencies of the Partner States engaged in peace support, disaster management, search and rescue, counter-terrorism, transnational and cross border crimes and any other operations which may be mutually determined by the Partner States;
- “Partner States” means the Republic of Uganda, the Republic of Kenya, the United Republic of Tanzania, the Republic of Burundi, the Republic of Rwanda, the Republic of South Sudan and any other country granted membership to the Community under Article 3 of the Treaty;
- “Secretariat” means the Secretariat of the Community established by Article 9 of the Treaty;
- “trans national crime” means a crime committed across the border of Partner States who do not share a common border;
- “Treaty” means the Treaty for the Establishment of the East African Community and any annexes and protocols thereto;

“victim” means a person who has undergone the process of female genital mutilation;

“victim support services” refers to basic services such as health services, legal and judicial support, emotional and psychological counseling as well as vocational training to make the victims self supporting.

3. The objective of this of this Act is to—

Objective

(a) prohibit the practice of female genital mutilation in the Community and as a transnational crime;

(b) provide for a minimum penalty for the offence of female genital mutilation;

(c) establish institutions to foster cooperation in the prosecution of offenders, prevention of female of genital mutilation and provisions of services of victims and girls at risk of female genital mutilation; and

(d) develop and harmonize policies, laws, strategies and programmes to prevent female genital mutilation; prosecute perpetrators of female genital mutilation and provide services to victims and girls at risk of female genital mutilation.

PART II—FEMALE GENITAL MUTILATION AND RELATED  
OFFENCES

4. (1) A person who performs any operation or procedure that involves partial or total removal of the external female genitalia, or other injury to the female organ for non-medical reasons on another person commits an offence known as female genital mutilation and is liable on conviction to imprisonment for a term not less than three years.

Offence of  
female  
genital  
mutilation

(2) A person commits the offence of aggravated female genital mutilation where—

- (a) death occurs as a result of female genital mutilation;
- (b) the offender is a parent, guardian or person having authority or control over the victim;
- (c) the victim suffers disability as a result of the mutilation;
- (d) the victim is infected with HIV as a result of the act of female genital mutilation; or
- (e) the female genital mutilation is done by a health worker.

(3) A person who commits the offence of aggravated female genital mutilation is liable on conviction to imprisonment for life.

Aiding and abetting, female genital mutilation

5. A person who aids, abets, counsels or procures—

- (a) a person to perform female genital mutilation; or
- (b) another person to perform female genital mutilation on that other person,

commits an offence.

Procuring a person to perform female genital mutilation in another Partner State

6. A person commits an offence if the person takes another person from a Partner State to another Partner State or another country, or arranges for another person to be brought into a Partner State from another country with the intention of having that other person subjected to female genital mutilation.

*East African Community  
Prohibition of Female Genital Mutilation Bill, 2016*

---

7. A person who knowingly allows any premises, for which that person is in control of, or responsible for, to be used for purposes of performing female genital mutilation commits an offence.

Use of premises to perform female genital mutilation

8. A person who is found in possession of a tool or equipment for a purpose connected with the performance of female genital mutilation commits an offence.

Possession of tools or equipment

9. A person commits an offence if the person, being aware that an offence of female genital mutilation has been, is in the process of being, or intends to be committed, fails to report accordingly to a law enforcement officer of that respective Partner State.

Failure to report commission of offence

10. Any person who uses derogatory or abusive language that is intended to ridicule, embarrass or otherwise harm a woman for having undergone female genital mutilation, or a man for marrying or otherwise supporting a woman who has not undergone female genital mutilation, commits an offence and shall be liable upon conviction, to imprisonment for a term not less than six months.

Use of derogatory or abusive language

11. A person who commits an offence under this Act, whose penalty is not specifically prescribed, is liable, on conviction to imprisonment for a term of not less than three years or a fine of not less than one thousand dollars, or both.

Penalty for offences

12. Where a person is convicted of an offence under this Act, a respective court in a Partner State may, in addition to the punishment provided, order such a person to pay by way of compensation to the victim such sum as in the opinion of the court is just, having regard to the injuries suffered by the victim and the medical and other expenses incurred.

Compensation

Protection  
order

**13.** A court in a Partner State may, if satisfied that a girl or woman is likely to undergo female genital mutilation, upon application by any person, issue a protection order.

PART III—INSTITUTIONAL ARRANGEMENTS

Establish-  
ment of  
institutions

**14.** (1) The Council shall designate and establish such institutions as the Council may consider necessary for the effective implementation of this Act.

(2) Without prejudice to the generality of subsection (1), the institutions designated and established under that subsection shall—

- (a) facilitate the implementation of this Act;
- (b) conduct research, document, share information, and co-ordinate public awareness programmes in the Community, in co-operation with the relevant agencies in the Partner States against the practice of female genital mutilation;
- (c) advise and provide technical advice to the Community on planning, financing and co-ordinating activities relating to female genital mutilation;
- (d) compile annual reports on the status of elimination of female genital mutilation in the Community, which reports shall be forward to Council for onward transmission to the Assembly for debate and consideration; and
- (e) perform such other functions as may be assigned by the Community.

*East African Community  
Prohibition of Female Genital Mutilation Bill, 2016*

---

PART IV — MISCELLANEOUS PROVISIONS

15. (1) The Partner States shall adopt comprehensive laws that prohibit female genital mutilation, facilitate the prosecution of perpetrators, protect victims and girls and women at risk.

Measures  
by Partner  
States

(2) The Partner States shall within their national budgets avail resources to—

- (a) protect women and girls from female genital mutilation;
- (b) provide support services to victims of female genital mutilation; and
- (c) undertake public education and sensitize the people of the Community on the dangers and adverse effects of female genital mutilation.

(3) The Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat female genital mutilation including the—

- (a) establishment of regional data bases on cross border female genital mutilation;
- (b) enhancement of technical capacity for criminal intelligence;
- (c) enhancement of the exchange of criminal intelligence and other security information between the Partner States criminal intelligence information centers;
- (d) strengthening of cross border security;

- (e) training of personnel and sharing information on the modus operandi being used by criminals;
- (f) enactment of laws on mutual legal assistance in criminal matters; and
- (g) establishment of cross border and inter-state communication.

Compliance  
with the Act

**16.** This Act shall take precedence over other Partner State laws to which its provisions relate.

Regulations

**17.** The Council may make regulations for giving effect to the purposes of this Act.

to this end, the Partner States shall through appropriate legislative and other measures

abolish legislation and discourage customs that are discriminatory against women and

promote effective education awareness programmes aimed at changing negative attitudes towards women..."

In addition, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa enjoins States Parties, which include all EAC Partner States, to prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. Article 5 of this Protocol specifically states that:

"States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

...(b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them."

Operational Principles of the East African Community under Article 7 of the Treaty obliges the Partner States to abide by principles of social justice and the maintenance of universally accepted standards of human rights.

The increasing levels of integration, free movement of persons within the Community under the Common Market and facilitated by the recent adoption of an East African International E-Passport provides further justification for enactment of a regional law that prohibits female genital mutilation in order to ensure that increased levels of integration are used positively to fight cross border and transnational crimes. It is envisaged that the enactment of this law will enhance cooperation in efforts to prosecute perpetrators of the crime.

## **ANNEX IV**

The EAC retirement Benefits or Specified heads of Organs Bill, 2015.

THE EAST AFRICAN COMMUNITY  
THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED  
HEADS OF ORGANS BILL, 2015

MEMORANDUM

The object of this Bill is to make provision for retirement benefits for specified leaders who have honourably served and completed their terms in the service of the Community.

The Bill specifically provides retirement benefits for the former President of the East African Court of Justice, the former Speaker of the East African Legislative Assembly and the former Secretary General of the East African Community.

The Bill finally makes provision for payment of gratuity to the dependants of a person where the holder dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her. In such case, the appropriate authority shall pay to the dependants a gratuity, which shall be calculated on the basis of the period he or she held the office.

HON. FREDERIC NGENZEBUHORO  
*Member, East African Legislative Assembly*

THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED  
HEADS OF ORGANS BILL, 2015

ARRANGEMENT OF CLAUSES

*Clause*

PART I- PRELIMINARY PROVISIONS

1. Citation and commencement
2. Application
3. Interpretation

PART II- PROVISIONS GOVERNING THE RETIREMENT BENEFITS

4. Scope of entitlement to the retirement benefits

PART III- RETIREMENT BENEFITS CONFERRED TO A FORMER PRESIDENT  
OF THE EAST AFRICAN COURT OF JUSTICE

5. Retirement benefits to former President
6. Grant of gratuity to dependants of a former President
- 7.

PART IV- RETIREMENT BENEFITS CONFERRED TO A FORMER SPEAKER  
OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

8. Retirement benefits to former Speaker
9. Grant of gratuity to dependants of a former Speaker

PART V- RETIREMENT BENEFITS CONFERRED TO A FORMER  
SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY

10. Retirement benefits to former Secretary General
11. Grant of gratuity to dependants of a former Secretary General

PART VI- MISCELLANEOUS

12. Regulations

THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED  
HEADS OF ORGANS BILL, 2015

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED  
HEADS OF ORGANS ACT, 2015

**An Act to make provision for retirement benefits for specified former heads of organs of the Community and provide for other related matters**

PART I- PRELIMINARY PROVISIONS

**1. Short title and commencement**

This Act may be cited as the East African Community Retirement Benefits for Specific Heads of Organs Act, 2015 and shall come into force on such date the Council may, by notice published in the Gazette appoint.

**2. Application**

This Act applies to former heads of organs of the Community, who have honourably served and finished their term in office in accordance with the laws of the Community.

**3. Interpretation**

In this Act, unless the context otherwise requires-

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

"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;

"Court" means the East African Court of Justice Assembly established by Article 9 of the Treaty;

"dependant" means the husband or wife, children and any other person under the responsibility of the former head of organ;

“former President” means a person who has served in office as President of the East African Court of Justice;

“former Secretary General” means a person who has served in office as Secretary General of the East African Community;

“former Speaker” means a person who has served in office as Speaker of The East African Legislative Assembly;

“gratuity” means a payment granted to a person upon cessation of service;

“President” means the President of the Court provided for under Article 24 of the Treaty;

“retirement benefit” means pension, gratuity, winding up allowance or any other award granted under the provisions of this Act;

“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;

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

## **PART II- PROVISIONS GOVERNING THE RETIREMENT BENEFITS**

### **4. Scope of entitlement to retirement benefits**

A former head of organ of the Community shall be entitled to retirement benefits under this Act if any of the following events occur-

(a) upon completion of a term of service in office to which he or she was elected, nominated or appointed;

(b) upon abolition of the office by the duly and competent authority;

(c ) upon existence of medical evidence to the satisfaction of the electoral, nominating or appointing authority that he or she is incapable to continue to discharge his or her duties due to infirmity of mind or body; or

(d) upon death while still serving before completion of the term of service, in which case retirement benefits shall be granted to the dependants.

### **PART III- RETIREMENT BENEFITS CONFERRED TO A FORMER PRESIDENT OF THE EAST AFRICAN COURT OF JUSTICE**

#### **5. Retirement benefits to former President**

A person who held the office of President of the East African Court of Justice shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of President;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent President;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent President;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;
- (g) one hundred litres of fuel per week; and
- (h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowance.

#### **6. Grant of gratuity to dependants of former President**

Where the President dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office.

### **PART IV- RETIREMENT BENEFITS CONFERRED TO A FORMER SPEAKER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

#### **7. Retirement benefits to former Speaker**

A person who held the office of Speaker of the East African Legislative Assembly shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of Speaker;

- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of incumbent Speaker;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent Speaker;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;
- (g) one hundred litres of fuel per week; and
- (h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowance.

#### **8. Grant of gratuity to dependants of former Speaker**

Where the Speaker dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office of Speaker.

### **PART V- RETIREMENT BENEFITS CONFERRED TO A FORMER SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY**

#### **9. Retirement benefits to former Secretary General**

A person who held the office of Secretary General of the East African Community shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of Secretary General;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent Secretary General;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent Secretary General;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;

(g) one hundred litres of fuel per week; and

(h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowances.

#### **10. Grant of gratuity to dependants of former Secretary General**

Where the Secretary General dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office of the Secretary General.

### **PART VI- MISCELLANEOUS**

#### **11. Regulations**

The Council may make regulations generally for giving effect to the provisions of this Act.

# **ANNEX V**

The EAC Youth Council, 2017.

2017

---

---

THE EAST AFRICAN COMMUNITY  
**BILLS SUPPLEMENT**

No. 5

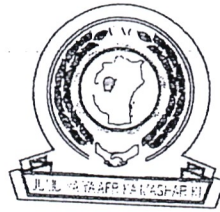
19th May, 2017.

*to the East African Community Gazette No. 5 of 19th May, 2017.*

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

---

---



**THE EAST AFRICAN COMMUNITY**

**THE EAST AFRICAN COMMUNITY YOUTH COUNCIL  
BILL, 2017**

**MEMORANDUM**

The object of this Bill is to provide a legal framework for the harmonization of laws and policies regarding the youth in the Community. This Bill is premised on Article 120 of the Treaty for the Establishment of the East African Community, and in particular seeks to implement the EAC Youth Policy, 2014 which is an integral component of the 4th EAC Development Strategy 2011/2012- 2015/2016. This Development Strategy identifies among others the integration, strengthening and promotion of policies, laws and programmes that focus on the development of the youth in the Community.

This Bill recognizes that the Partner States have in place diverse laws and policies regarding the youth in their territories. This Bill therefore is an attempt to uniformalise the laws and regulations pertaining the youth in the Community.

For this purpose the Bill seeks to establish the East African Youth Council within the East African Community, to provide for its composition, objects and functions, administration, finances and to provide for other matters related thereto.

HON. SUSAN NAKAWUKI,  
*Member East African Legislative Assembly.*

THE EAST AFRICAN COMMUNITY YOUTH COUNCIL  
BILL, 2017

ARRANGEMENT OF CLAUSES.

*Clause*

PART I—PRELIMINARY.

1. Short title and commencement
2. Interpretation
3. Objectives of the Council
4. Guiding values of the Council

PART II—CONSTITUTION OF THE COUNCIL

5. Establishment of the East African Youth Council
6. Functions of the Council

PART III—GOVERNANCE OF THE COUNCIL

7. The Governance Council
8. Tenure of office
9. Termination from office
10. Filling of vacancies in the Governing Council
11. The Secretariat
12. Coordination committees
13. The annual East African Youth Conference
14. Composition of the Conference

PART IV—FINANCES OF THE COUNCIL

15. Sources of finances of the Council
16. Remuneration of the members of the Council

PART V—MISCELLANEOUS

17. Regulations

THE EAST AFRICAN COMMUNITY YOUTH COUNCIL  
BILL, 2017.

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY YOUTH  
COUNCIL ACT, 2017.

**An Act to establish the East African Youth Council within the Community, to provide for its composition, objects and functions and to provide for other related matters.**

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 East African Community Youth Council Act, 2017 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.

Short title  
and  
commence-  
ment

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

Inter-  
pretation.

“Chairperson” means the chairperson of the East African youth Council executive committee elected under section 5;

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

“Conference” means the East African youth delegate’s conference established under section 13;

“Council” means the East African Youth Council established under section 5;

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

“diaspora” means youth living outside the Community irrespective of their citizenship and who remain committed to contribute to the development of the Community;

“observer status” means entitlement conferred upon a foreign country, intergovernmental organization or civil society organization to send observers on invitation to the meetings of the organs of the Community;

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

“youth” means every person between the ages of fifteen and thirty five years;

“youth committee” means a youth committee established in respect of each youth council;

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

3. The objectives of the Council are to—

Objectives  
of the  
Council

- (a) guide the Community on the planning, implementation, monitoring and evaluation of programmes while assuring sustainable social, economic and political development;
- (b) mainstream youth issues in all development policies and programmes in the Community;
- (c) provide a regional platform through which the youth can present their concerns at the policy level, and in the process maintain a routine and institutionalized interaction with the Secretary General, and dialogue with governments of the Partner States;
- (d) prescribe strategic priority areas and actions to guide the implementation and address youth challenges so as to fully participate and benefit in all facets of development in the Community;
- (e) establish a regional mechanism that will promote and sustain youth culture, values, morals and ethics; and implement mechanisms outlined in the youth policy;
- (f) ensure that the youth are accorded proportionate recognition and participation at all stages in all regional development activities during the integration process; and
- (g) empower the youth so that they can fully participate and benefit from the regional economic, social and political integration.

Guiding  
values of  
the Council

4. The Council shall be guided by the following values—

- (a) ethics and integrity among members;
- (b) transparency and accountability in the line of Council work;
- (c) objectivity and impartiality of all parties to the Council;
- (d) tolerance and unity in diversity; and
- (e) any other values that may be determined by the Annual Youth Conference.

#### PART II—CONSTITUTION OF THE COUNCIL

Establish-  
ment of the  
East African  
Youth  
Council

5. (1) There is established a council to be known as the East African Youth Council.

(2) The Council shall consist of—

- (a) three persons elected from the National Youth Councils of each Partner State through their annual youth conference, where at least one person shall be of either gender;
- (b) one person from each Partner State representing the civil society;
- (c) one person representing persons with disabilities, elected through their umbrella organisations at the Partner State level;
- (d) one person from each Partner State representing the private sector;

(e) one representative from institutions of higher learning, elected through the national student umbrella association of the Partner State; and

(f) one representative from the ministry responsible for youth affairs.

(3) No gender shall occupy more than two thirds of the representative positions per Partner State.

(4) The Council of Ministers shall prescribe the procedure of nominating any of the representatives to the Council.

(5) If for any reason any of the Partner States cannot elect its representatives promptly, the Council shall be constituted, provided that at least two thirds of the Partner States are represented.

6. The functions of the Council shall be to—

Functions of  
the Council

- (a) ensure full implementation of the youth policy of the Community;
- (b) represent and promote the interests of the youth policy of the Community;
- (c) influence government policies to improve the lives of the youth;
- (d) foster the interests of the youth in the integration process of the Community;
- (e) disseminate information to various stakeholders and the media on regional integration issues pertaining youth in the Community;

- (f) provide a unified and integrated system through which the youth may communicate and coordinate their ideas and activities;
- (g) avail opportunities for the youth to directly participate in the activities through internships and research among others;
- (h) ensure the active and effective representation of the youth in the society as well as in the national and regional integration processes;
- (i) establish channels through which economic and social services and amenities may reach the youth in all areas of the Community through partnership with the Sectoral Council on youth, children, gender and community development;
- (j) encourage the youth to consolidate their role in development in the economic, social, cultural and educational fields;
- (k) initiate and encourage the formation of youth organisations and to facilitate communication among them;
- (l) promote relations between youth organisations in the Partner States and international youth organisations and other bodies with similar objects or interests; and
- (m) do all such other things as are incidental to or conducive to the attainment of the objects of the Council under this Act.

PART III—GOVERNANCE OF THE COUNCIL

7. (1) The members of the Council shall elect from amongst themselves twelve persons, two from each Partner State, to constitute the Governing Council. The  
Governance  
Council

(2) The Governing Council shall have a Chairperson and five Vice Chairpersons, each representing a Partner State not holding the Chair.

(3) The Governing Council which shall meet four times annually.

(4) The Secretary to the Governing Council shall be the head of the Secretariat.

(5) In the event that there is change of membership at the Partner State level, the position of Chairperson shall remain in the Partner State for the length of their tenure.

8. (1) The Chairperson of the Governing Council shall hold office for a period of one year. Tenure of  
office

(2) The Chair shall be held on a rotational basis and shall be from the Partner State consistent with the Chair of the Summit

(3) The tenure of all the Governing Council members shall be three years, renewable once.

9. (1) A member of the Governing Council may resign his or her office by a thirty days' notice in writing delivered to the Secretary. Termination  
from office

(2) The Governing Council may remove a member of the council for—

- (a) incompetence;
- (b) inability to perform the functions of the Governing Council arising from infirmity of body or mind;
- (c) misconduct contravening the guiding values of the Council;
- (d) absence without prior permission of the Chairperson or without reasonable cause for more than four consecutive meetings of the Governing Council; or
- (e) bankruptcy or insolvency.

(3) Where it appears to the Governing Council that there is cause to remove a member under subsection (2), the Governing Council shall notify the member concerned in writing and shall give the member an opportunity to be heard.

Filling of  
vacancies in  
the  
Governing  
Council

**10.** (1) Where a member of the Governing Council resigns, dies, is removed from office or is for any other reason unable to act as a member, the Chairperson shall notify the Secretary of the vacancy within one month after the occurrence of the vacancy and in turn notify the Council to fill the vacancy for the remainder of the term of the previous member.

(2) Where the member of the council referred to is the Chairperson of the Governing Council, then one of the vice chairpersons shall notify the Secretary of the vacancy who shall then cause an election among the Governing Council members and another member from the Partner State holding the chair shall be elected to complete the unexpired portion of the previous Chairperson's term of office.

*East African Community Youth Council Bill, 2017*

---

11. (1) The Governing Council shall have a Secretariat which shall be based at the headquarters of the Community. The Secretariat

(2) The Secretariat shall consist of technical and administrative support staff appointed by the Council of Ministers.

(3) The Secretariat shall be responsible for the management of the day today activities of the Governing Council.

(4) The members of staff of the Secretariat shall be paid salaries and allowances as shall be determined by the Council of Ministers.

12. (1) The Council shall form various committees to assist in implementing and coordinating the mandate of the Council. Coordination committees

(2) At national level, the activities of the Council shall be coordinated through the national youth councils of the respective Partner States.

13. (1) There shall be held each year a youth conference known as the annual East African Youth Conference which shall be the supreme policy making organ of the Council. The annual East African Youth Conference

(2) The Conference shall among other functions elect the Chairperson and members of the Governing Council.

14. The Conference shall consist of—

(a) active members of the Council;

(b) Chairpersons of the national youth councils,

Composition  
of the  
Conference

- (c) female youth representatives and secretaries general of the youth councils in the Partner States;
- (d) two members representing the youth in the National Assemblies of the Partner States where applicable;
- (e) all current East African Community youth ambassadors;
- (f) ten members of the East African Community Youth Ambassadors' Platform elected by the Platform; and
- (g) chairpersons of all national students associations.

PART IV — FINANCES OF THE COUNCIL

Sources of  
finances of  
the Council

**15.** The sources of finances of the Council shall consist of—

- (a) grants and donations to the Council; and
- (b) such other sources as the Council of Ministers may determine.

Remunerati  
on of the  
members of  
the Council

**16.** (1) With the exception of the technical and administrative support staff constituting the Secretariat, the Council shall not award remuneration in salary scale terms to its members.

(2) The Council shall facilitate members for such works as may be designated to them from time to time in accordance with standard applicable principles in the Community.

(3) The allowances payable to the members of the Governing Council shall be determined by the Council of Ministers.

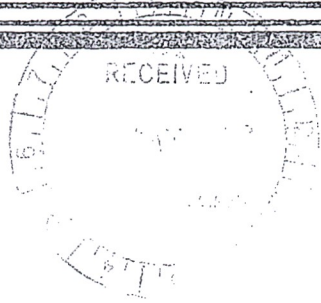
PART V—MISCELLANEOUS

17. The Council of Ministers may make regulations for <sup>Regulations</sup> the better implementation of the provisions of this Act.



EAST AFRICAN COMMUNITY

PROTOCOL ON COOPERATION IN METEOROLOGICAL  
SERVICES

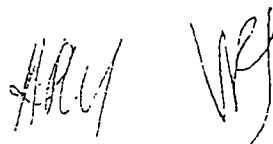


EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION  
IN METEOROLOGICAL SERVICES

ARRANGEMENT OF ARTICLES

PREAMBLE

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



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

PREAMBLE

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

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

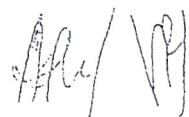
AND WHEREAS under the provisions of Article 100 of the Treaty for the Establishment of the East African Community, the Partner States undertook to cooperate in the provision of meteorological services;

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

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

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

NOW THEREFORE, the Partner States hereby agree as follows:



## Article 1

### Definitions

In this Protocol, unless the context otherwise requires:

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

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

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

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

## Article 2

### Objective

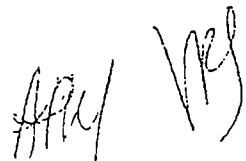
The objective of this Protocol is to promote cooperation in the provision of meteorological services within the Community.

## Article 3

### Scope of Cooperation

This Protocol shall govern the Partner States cooperation in:

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



#### Article 4

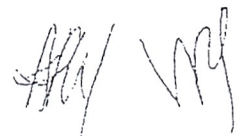
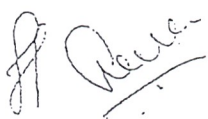
##### Planning, Designing and Development of Weather and Climate Observation Networks and Meteorological Telecommunications Systems

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

#### Article 5

##### Data Processing and Analysis and Exchange of Meteorological Data and Information

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



## Article 6

### Early Warning Systems

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

## Article 7

### General Undertaking

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

## Article 8

### Harmonization of Policies, Laws and Regulations on Meteorology

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

## Article 9

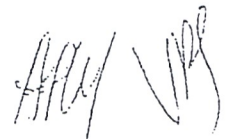
### Cooperation with Regional and International Organizations

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

## Article 10

### Institutional Framework

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



Article 11

Regulations, Directives and Decisions

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

Article 12

Dispute Settlement

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

Article 13

Amendment of the Protocol

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

Article 14

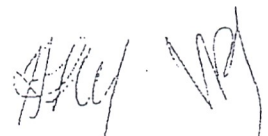
Entry into Force

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

Article 15

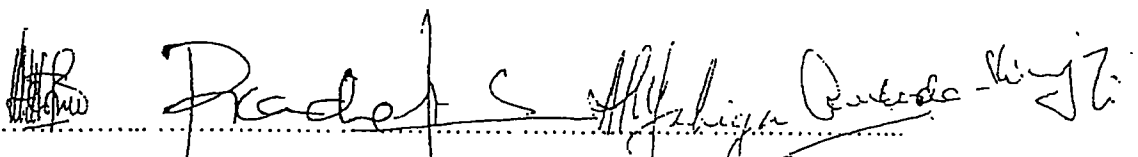
Depository and Ratification

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



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

DONE AT Arusha this \_\_\_\_\_ day of \_\_\_\_\_  
in the year 2016 .



Hon. Leontine Nzeyimana

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

Hon. Phyllis J. Kandie

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

Hon. Amb.  
Valentine  
Rugwabiza

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

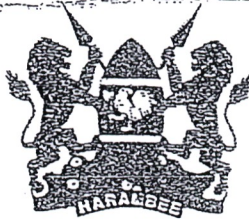
Hon. Amb. Dr.  
Augustine  
Mahiga, (MP)

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

Hon. Dr.  
Alhaj Ali  
Kirunda  
Kivenjija

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

SECRET



REPUBLIC OF KENYA  
MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES  
STATE DEPARTMENT OF ENVIRONMENT

MEMORANDUM TO THE NATIONAL ASSEMBLY ON RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES

1.0 OBJECTIVE OF THE MEMORANDUM

The objective of the Memorandum is to inform the National Assembly about the East African Community (EAC) Protocol on Cooperation in Meteorological Services and to request the National Assembly for ratification.

2.0 BACKGROUND OF THE SUBJECT MATTER

Cooperation among EAC States in the Meteorological sector is guided by Articles 100 of the Treaty for the Establishment of the East African Community. Under the provisions of the Treaty, Partner States undertake to cooperate in the provision of Meteorological services.

The 11<sup>th</sup> Council of Ministers Meeting held on 4th April 2006, Directed the Secretariat, in consultation with the Meteorological Services to develop an MOU on cooperation between the Services to enable the harmonization of Meteorological policies in the region, facilitate pooling and mobilization of resources and development of Regional Meteorological Institutions.

The 6<sup>th</sup> Meeting of the Sectoral Council on Transport, Communication and Meteorology (TCM) held on January 2009 directed EAC Secretariat in collaboration with Partner States to commence updating the MOU in Meteorological Services to a Protocol. The National Meteorological Services together with the EAC Secretariat upgraded the MOU to a Protocol on Cooperation in Meteorological Services.

SECRET

The 10<sup>th</sup> meeting of the sectoral council on TCM held in Kigali on 19<sup>th</sup> – 23<sup>rd</sup> August 2013 approved the revised Protocol in Cooperation on Meteorological Services and referred it to the Council for adoption;

The 30<sup>th</sup> Council of Ministers held in Nairobi on 20<sup>th</sup>-28<sup>th</sup> November 2014 decided that the draft Protocol on Cooperation in Meteorological Services and the Draft Protocol to operationalize Extended Jurisdiction of the East African Court of Justice be recommended to the Heads of State for Approval (EAC/CM 30/Decision 07)

During the 16<sup>th</sup> ordinary summit of the East African Community Heads of State held on 20<sup>th</sup> February, 2015 the summit approved the East African Community Protocol on Cooperation in Meteorological Services for signature by the Ministers responsible for Meteorological Services. The Protocol was finally signed during the 33<sup>rd</sup> Council of Ministers meeting held in February 2016 in Arusha.

The main object of the Protocol is to promote cooperation in the provision of Meteorological Services within the Community.

Its Scope extends to governing Partner States cooperation in:

- a) The Planning, designing and development of weather and climate observations networks and Meteorological Telecommunication systems;
- b) The processing and analysis of data and sharing of Meteorological information; and
- c) The development of early warning systems.

In order to implement the Protocol, the Republic of Kenya will be expected to cooperate with the other EAC Partner States in providing applied Meteorological Services to various sectors of the economies. The Partner States undertake to harmonize their policies, laws and regulation on Meteorology to facilitate the achievement of the objectives of this protocol. The Partner States shall foster cooperation and build partnership with other countries and international, regional or global organizations which share the objectives of this Protocol.

The Protocol is consistent with the Constitution and is not contrary to the constitutional values and objectives. Its ratification will not necessitate any amendment(s) to the Constitution. The Republic of Kenya has no reservation.

SECRET

### 3.0 ANALYSIS OF THE PROBLEM

As weather and climate patterns and behavior do not recognize political boundaries, enhanced cooperation among East African Partner States, is required to effectively meet government and societal needs through weather and climate information and services.

There is increasing need for the delivery of sector specific weather and climate services to ensure food security, improved water resources management, disaster risk reduction and better health. Accurate and timely weather forecasts and climate analyses and predictions will further improve human safety, prosperity and livelihood and preserve precious natural resources to the benefit of communities, especially the most vulnerable.

The Protocol, underscores the necessity for enhanced weather and climate service delivery, the improved access to Meteorological Services, the increased support for the provision of weather and climate services for climate change adaptation and mitigation, and the strengthening of partnerships with the relevant institutions.

### 4.0 OPTIONS ON THE WAY FORWARD

To date, the Protocol has been adopted by the EAC Council of Ministers approved by the EAC Heads of State Summit and subsequently signed by the Ministers responsible for Meteorological matters in the Partner States. It has also been approved by Cabinet for ratification.

In order to allow for its entry into force, it is proposed that the Republic of Kenya ratifies the EAC Protocol in Cooperation in Meteorological Services alongside the other Partner States. The ratification of the Protocol would positively affect our national interests and contribute to the socio-economic development of the Country.

The Protocol does not have any implication on matters relating to Counties.

### 5.0 FINANCIAL IMPLICATIONS

The implementation of this Protocol is not envisaged to have any additional budgetary allocation.

**SECRET**

## 6.0 RECOMMENDATIONS TO NATIONAL ASSEMBLY

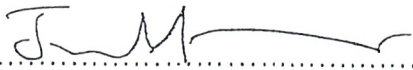
The National Assembly is requested to;

- a) take note of the contents of this Memorandum;
- b) Ratify the EAC Protocol on Cooperation in Meteorological Services;

**SECRET**

SECRET

Signed



Prof. Judi W. Wakhungu, EGH  
Cabinet Secretary  
Ministry of Environment and National Resources

20<sup>th</sup> Jan 2017

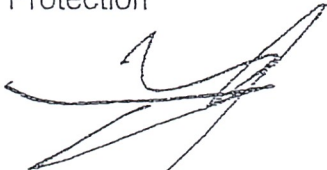
Date



Mrs. Phyllis Kandie, EGH  
Cabinet Secretary  
Ministry of East African Community, Labour and  
Social Protection

21<sup>st</sup> Feb. 2017

Date



Hon. Githu Muigai, EGH, FCI Arb  
Attorney General

24/2/17

Date

SECRET





SECRET

REPUBLIC OF KENYA  
MINISTRY OF EAST AFRICAN COMMUNITY, LABOUR AND SOCIAL  
PROTECTION

CABINET MEMORANDUM ON THE RATIFICATION OF THE EAST  
AFRICAN COMMUNITY PROTOCOL ON COOPERATION IN  
METEOROLOGICAL SERVICES

1.0 OBJECTIVE OF THE MEMORANDUM

The objective of the memorandum is to inform the Cabinet about the East African Community (EAC) Protocol on Cooperation in Meteorological Services and to request the Cabinet to approve its ratification.

2.0 BACKGROUND OF THE SUBJECT MATTER

Cooperation among EAC Partner States in the Meteorological sector is guided by Articles 100 of the Treaty for the Establishment of the East African Community. Under the provisions of the Treaty, Partner States undertake to cooperate in the in the provision of meteorological services.

The 11th Council of Ministers Meeting held on 4th April 2006, Directed the Secretariat, in consultation with the Meteorological Services, to develop an MOU on cooperation between the Services to enable the harmonization of meteorological policies in the region, facilitate pooling and mobilization of resources and development of regional meteorological institutions

The 6th TCM meeting held in January 2009 directed EAC Secretariat in collaboration with Partner States to commence updating the MoU in Meteorological Services to a Protocol. The National Meteorological Services together with the EAC Secretariat upgraded the MoU to a Protocol on Cooperation in Meteorological Services.

10th meeting of the sectoral council on TCM held in Kigali on 19th - 23rd August 2013, approved the revised Protocol on Cooperation in Meteorological Services and referred it to the Council for adoption;

SECRET

SECRET

The 30th Council of Ministers held in Nairobi on 20th - 28th November 2014 decided that the draft Protocol on Cooperation in Meteorological Services and the Draft-Protocol to operationalize Extended Jurisdiction of the East African Court of Justice be recommended to the Heads of State for Approval ( EAC/CM 30/Decision 07)

During the 16th ordinary summit of the East African Community Heads of State held on 20th February 2015 the summit approved the East African Community Protocol on Cooperation in Meteorological Services for signature by the Ministers responsible for meteorological services. The Protocol was finally signed during the 33<sup>rd</sup> Council of Ministers meeting held in February 2016 at Arusha.

The main object of the Protocol is to promote cooperation in the provision of meteorological services within the community.

Its scope extends to governing Partner States cooperation in:

- a) The Planning, designing and development of weather and climate observations networks and meteorological telecommunication systems;
- b) The processing and analysis of data and sharing of meteorological information; and
- c) The development of early warning systems.

In order to implement the Protocol, the Republic of Kenya will be expected to cooperate with the other EAC Partner States in providing applied meteorological services to various sectors of their economies. The Partner States undertake to harmonize their policies, laws and regulations on meteorology to facilitate the achievement of the objectives of this protocol. 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.

The Protocol is consistent with the Constitution and is not contrary to any constitutional values and objectives. Its ratification will not

SECRET

SECRET

necessitate any amendment(s) to the Constitution. The Republic of Kenya has no reservation.

### 3.0 ANALYSIS OF THE PROBLEM

As weather and climate patterns and behaviour do not recognise political boundaries, enhanced cooperation among East African Partner States, is required to effectively meet government and societal needs through weather and climate information and services.

There is an increasing need for the delivery of sector specific weather and climate services to ensure food security, improved water resource management, disaster risk reduction and better health. Accurate and timely weather forecasts and climate analyses and predictions will further improve human safety, prosperity and livelihood and preserve precious natural resources to the benefit of communities, especially the most vulnerable.

The Protocol, underscores the necessity for enhanced weather and climate service delivery, the improved access to meteorological services, the increased support for the provision of weather and climate services for climate change adaptation and mitigation, and the strengthening of partnerships with relevant institutions.

### 4.0 OPTIONS ON THE WAY FORWARD

To date, the Protocol has been adopted by the EAC Council of Ministers, approved by the EAC Heads of State Summit and subsequently signed by the Ministers responsible for Meteorological matters in the Partner States.

In order to allow for its entry into force, it is proposed that the Republic of Kenya ratifies the EAC Protocol on Cooperation in Meteorological Services alongside the other Partner States. The ratification of the Protocol would positively affect our national interests and contribute to the socio-economic development of the country.

SECRET

**SECRET**

The Protocol does not have any implications on matters relating to Counties.

## **5.0 FINANCIAL IMPLICATIONS**

The implementation of this Protocol is not envisaged to have any additional budgetary allocation.

## **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 EAC Protocol on Cooperation in Meteorological Services;
- c) direct the Cabinet Secretary responsible for Environment and Natural Resources to submit the Protocol and a memorandum on the Protocol to the Speaker of the National Assembly for consideration.

**SECRET**

SECRET

Signed

*Judi W. Wakhungu*

.....  
Prof. Judi W. Wakhungu, EGH  
Cabinet Secretary  
Environment and Natural Resources

10<sup>th</sup> October 2016

.....  
Date

*Phyllis Kandie*

.....  
Mrs. Phyllis Kandie, EGH  
Cabinet Secretary  
Ministry of East African Community, Labour and  
Social Protection

24.10.16

.....  
Date

*Githu Muigai*

.....  
Prof. Githu Muigai, EGH, FCI Arb  
Attorney General

27/10/16

.....  
Date

SECRET

