

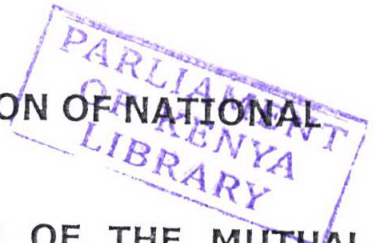
Vol.



CONFIDENTIAL

REPUBLIC OF KENYA

MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT



CABINET MEMORANDUM ON RATIFICATION OF THE MUTUAL PEACE AND SECURITY PACT

A. OBJECTIVE OF THE MEMORANDUM

The purpose of this Cabinet Memorandum is to apprise the Cabinet on Kenya's participation in regional peace and security under the Mutual Peace and Security Pact of the Northern Corridor Integration Projects and to seek approval for Kenya to ratify the Mutual Peace and Security Pact, hereinafter referred to as the Pact.

B. THE BACKGROUND OF THE SUBJECT MATTER

The Pact was drafted in line with the Heads of State of Partner States (Kenya, Rwanda and Uganda) in the Tripartite Summits held in Entebbe, Uganda, on 25th June 2013, Mombasa, Kenya, on 28th August 2013, and Kigali, Rwanda on 28th October 2013 which they incorporated an article on security cooperation in its paragraph 'j' of the Kigali communiqué and Articles 8 and 9 of Memorandum of Understanding on the Tripartite Initiative for fast tracking the East Africa Integration. Article 8 on common defense established the Defense Pact and Article 9 on security established the Mutual Peace and Security Pact.

Pursuant to the directives of the Heads of State at the Kigali Summit of 28th October 2013, the Partner States subjected the Pact to the following process before its conclusion:

CONFIDENTIAL

V. 1

- i. The delegates of Experts that comprised of representative from the Republic of Kenya, the Republic of Rwanda and the Republic of Uganda developed two working drafts on the Mutual Peace and Security Pact and Defense Pact.
- ii. The Experts Working Group and the Chiefs of Defense Staff and Inspectors General of the Police met from the 6th- 7th January 2014 in Kigali Rwanda to implement the decision on the establishment of a Mutual Defense Pact and the Mutual Peace and Security Pact that Partner States were to sign by the end of January 2014.
- iii. The relevant senior officials from each of the Partner States considered the various drafts and subsequently forwarded to the Council of Ministers for consideration and submission to the 4th Northern Corridor Integration Projects Summit which signed the Pact on 20th February 2014.
- iv. The 4th Summit of the Northern Corridor Integration Projects held on 20th February 2014, Kampala, Uganda and 5th Summit held on 2nd May 2014 in Nairobi, Kenya directed the Partner States to subject the Pact to respective ratification process and fast track the development of Pact implementation framework and matrix. The Pact shall enter into force six (6) months after the date of signature, that is, by **24th August, 2014.**
- v. Joint Defense, Peace and Security Experts, Chiefs of Defense Staff/Force and Ministers responsible with National Police/Security met from 26th to 30th May 2014 in Kigali Rwanda and developed an implementation Framework and Matrix of the Defense, Peace and Security Pacts.
- vi. Pursuant to meeting of Chiefs of Services held in Kigali, Rwanda, on 26th -30th May 2014 to develop organs, structures and the framework for the implementation of the Mutual Peace and Security Pact, the Council of Ministers for the Peace and Security cluster of the Northern Corridor Integration Projects

from the Partner States convened for a consultative meeting in Nairobi, Kenya, on 23rd June 2014 to assess progress made on the implementation of the Pact.

- vii. The 6th Northern Corridor Integration Projects Summit held in Kigali, Rwanda from 29th June 2014 to 3rd July 2014 was preceded by Senior Officials and Ministers Meetings that developed the Pact Implementation Framework and Matrix.
- viii. The Constitution of Kenya and Section 7(m) of the Treaty Making and Ratification Act No. 45 of 2012 requires Public Participation in the ratification process of any Treaty. In fulfillment of the said requirement, the Ministry of Interior and Coordination of National Government organized for stakeholder forum to seek their views as well as that of the public through electronic and print media.

C. ANALYSIS OF THE PROBLEM

a. Objects and subject matter of the Pact

The purpose of the Pact is to establish a framework for combating crimes towards collective peace and security among Partner States. Partner States according to the Pact are obligated to *inter alia* undertake to:

- i. Protect its people and safeguard the development of the Partner States against instability arising from the breakdown of law and order, intra and inter States conflict and aggression;
- ii. Coordinate and Cooperate in matters related to peace and security in the Partner States;
- iii. Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- iv. Enhance the capacity of the Partner States in combating terrorism and piracy;

- v. Cooperate in exchange of prisoners, detention, custody and rehabilitation of the offenders.
- vi. Observe and encourage the implementation of the United Nations, African Union and other International Conventions and Treaties on Arms Control, Disarmament and peaceful relations among Partner States

b. Constitutional implications

The Pact proposes no amendments to the Constitution of Kenya.

c. Impact of the ratification of the Pact on national interest

The preamble of the Pact informs the Partner States that the Pact will unite the Partner States' efforts towards collective peace and security, and the preservation of peace, security and stability.

Pact will create a framework that encourages and maintains cooperation and consultations on issues pertaining to the peace and security of the Partner states with a view of prevention, better management and resolution of disputes and conflicts between them.

The 4th Summit urged the Partner States to subject the Pact to respective ratification process and it shall enter into force six (6) months after the date of signature, that is, by **24th August 2014**.

To this end, the Pact (Article 3 (3)) will commit the Government to develop appropriate mechanisms, strategies and programs to combat cross border crime as follows:

- i. Conflict prevention, management and resolution
- ii. Combating terrorism
- iii. Establishment of Fusion Centers
- iv. Establishment of database on cross border crimes
- v. Harmonizing national legislations

u. Obligations imposed on Kenya by the Pact

Article 2(6) of the constitution makes any treaty or convention ratified by Kenya shall form part of the law of Kenya.

e. Requirements for implementation of the Pact

Article 14 of the Pact provides that the relevant authorities including other National Security Services such as Correctional, Immigration and Intelligence Services are to develop such organs, structures and policies as shall be necessary for the implementation of this Pact by 30th March 2014 for subsequent approval by the Committee of Ministers for onward transmission to the Summit.

In reference to Article 14 and 19 of the Mutual Peace and Security and Defense Pact respectively, Joint Defense, Peace and Security Experts, Chiefs of Defense Staff/Force and Ministers responsible with National Police/Security met from 26th to 30th May 2014 in Kigali Rwanda and developed an implementation Framework and Matrix of the Defense, Peace and Security Pacts.

The 6th Northern Corridor Integration Projects Summit held in Kigali, Rwanda on 3rd July 2014 approved the Mutual Peace and Security Pact Implementation Framework and Matrix (**ANNEX 1**).

f. Policy and legislative considerations

To realize the objectives of the Pact, Partner States in Article 3 (3), Article 4 (2) and Article 5 agree to undertake measures to:

- i. Enhance cooperation in training and development;
- ii. Harmonize visa regulations to guide the issuance of single tourist visa;
- iii. Harmonize national legislations
- iv. Establish database on cross border crimes
- v. Fast track identified centers of excellence in policing

g. Ministerial responsibility

The responsibility for the implementation of the Pact shall be by Cabinet Secretary responsible for, internal security, disaster management, refugee affairs, immigration affairs, prisons, probation and after care services, peace building and conflict management, children affairs, registrar of motor vehicles, marine services, and any other area of cooperation that may be agreed by consensus of the Partner States to be included in the Northern Corridor Integration Projects.

h. Implications on matters relating to counties

As per the Constitution, the areas of cooperation covered by the Pact fall under the functions of the national government. The national government shall therefore coordinate with the county government as and when necessary.

i. Date of signature

The Pact was signed on 20th February, 2014 in Kampala, Uganda during the 4th Northern Corridor Integration Projects Summit.

j. The number of states party to the Pact

Three states are currently party to the Pact namely, Republics of Kenya, Rwanda and Uganda. Article 8 on Accession states that this Pact shall remain open for accession by any State as shall be approved by the Partner States through the policy organs from time to time.

k. Views of the public on the ratification of the Pact

The Ministry invited the views of the public by publishing the Pact in two electronic and print media on Thursday 10th July 2014 (People Daily) and Friday 11th July 2014 (Nation Daily). The Ministry also convened a public forum at the Utalii Hotel on 15th July, 2014 where it received the views of the public and relevant stakeholders. The same are contained in the enclosed report (*REPORT OF THE INTER AGENCY COMMITTEE ON PUBLIC*

I. Provision for reservations and recommendations

The Protocol has no provision for reservations.

m. Reservations/ declarations to align with national interests/ constitution

No Pact provision applies in this regard.

n. Use of public funds in the implementation of the Pact

The implementation of the Pact will involve the use of public funds by the relevant departments and agencies involved in the implementation. The estimated cost of expenditure may not be apparent at the moment.

D. FINANCIAL IMPLICATIONS

The implementation of the Pact in the short term is not envisaged to have any major financial implications save for greater emphasis on the regional dimension to the functions and responsibilities during the budgeting process by the relevant Departments and agencies.

In addition, whilst the existing government agencies will carry on with implementation of the Pact, the obligations arising from the Pact will call for additional allocation of resources from Partner States. Currently, much of these resources are mainly dependent on development partners.

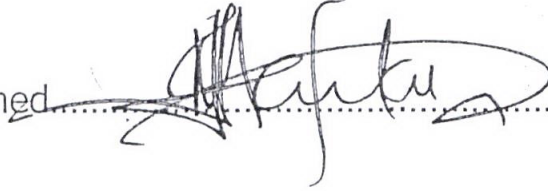
E. RECOMMENDATIONS TO THE CABINET

The Cabinet is requested to:

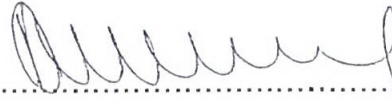
- (i) Note the contents of the Cabinet Memorandum
- (ii) Consider and approve the ratification of the Pact

CONFIDENTIAL

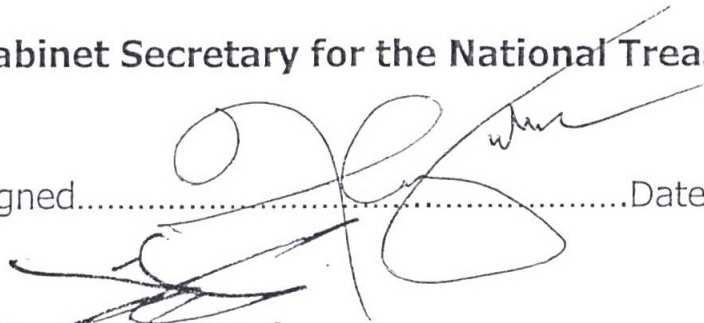
Cabinet Secretary for Interior and Coordination of National Government

Signed  Date 23/7/14

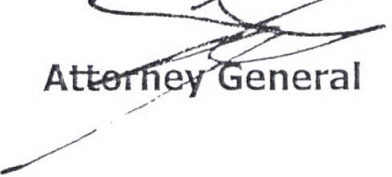
Cabinet Secretary for Foreign Affairs and International Trade

Signed  Date 15/8/14

Cabinet Secretary for the National Treasury

Signed  Date 28/8/14

Attorney General

Signed  Date 20/7/14

CONFIDENTIAL

REPORT OF THE INTER AGENCY COMMITTEE ON PUBLIC PARTICIPATION PROCESS ON THE RATIFICATION OF THE MUTUAL PEACE AND SECURITY PACT.

BACKGROUND

The Pact was drafted in line with the Heads of State of Partner States (Kenya, Rwanda and Uganda) in the Tripartite Summits held in Entebbe, Uganda, on 25th June 2013, Mombasa, Kenya, on 28th August 2013, and Kigali, Rwanda on 28th October 2013 which they incorporated an article on security cooperation in its paragraph 'j' of the Kigali communiqué and Articles 8 and 9 of Memorandum of Understanding on the Tripartite Initiative for fast tracking the East Africa Integration. Article 8 on common defense established the Defense Pact and Article 9 on security established the Mutual Peace and Security Pact.

Pursuant to the directives of the Heads of State at the Kigali Summit of 28th October 2013, Kenya subjected the Pact to the following ratification process.

OBJECTIVES

The purpose of the Pact is to establish a framework for combating crimes towards collective peace and security among Partner States. Partner States according to the Pact are obligated to *inter alia* undertake to:

- i. Protect its people and safeguard the development of the Partner States against instability arising from the breakdown of law and order, intra and inter States conflict and aggression;
- ii. Coordinate and Cooperate in matters related to peace and security in the Partner States;
- iii. Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- iv. Enhance the capacity of the Partner States in combating terrorism and piracy;
- v. Cooperate in exchange of prisoners, detention, custody and rehabilitation of the offenders.
- vi. Observe and encourage the implementation of the United Nations, African Union and other International Conventions and Treaties on Arms Control, Disarmament and peaceful relations among Partner States

PUBLIC PARTICIPATION

The Constitution of Kenya and Section 7(m) of the Treaty Making and Ratification Act No. 45 of 2012 requires Public Participation in the ratification process of any Treaty. In fulfillment of the said requirement, the Ministry of Interior and Coordination of National Government invited the views of the public by publishing the Pact in two electronic and print media on Thursday 10th July 2014 (People Daily) and Friday 11th July 2014 (Nation Daily).

The Ministry convened a public forum at the Utalii Hotel on 15th July, 2014 to seek their views on the Pact and be incorporated in the report of Inter-Agencies Committee.

STAKEHOLDERS SUBMISSIONS

The stakeholders made the following observations and recommendations on the Mutual Peace and Security Pact signed by the partners on 20th February, 2014:

- 1. PREAMBLE:** The stakeholders observed that the Pact may duplicate or conflict with the EAC Peace and Security Protocol whose ratification process is ongoing. However, it was noted that the Pact stems from the Protocol therefore; it will complement and enhance the implementation of the Protocol to attain the regional peace and security.

2. ARTICLE 1

The stakeholders were in support of the Article with following recommendations:

- **Part (f)** on page 3 of the Pact, stakeholders recommended the definition of TERRORISM to end with the words "... pre-emption to terrorist threats or acts, both real and imputed" as they appear in the EAC Protocol on Peace and Security.
- **Part (i)**, the stakeholders recommended to change the word [ethical] to read [ethnic], racial to race on the definition of the word GENOCIDE.
- **Part (i)(b)** the forum recommended to have the statement read "Causing [serious] bodily or ..." instead of [Seriously] bodily.

- **Part (i)(c)** on page 4 of the Pact, the forum proposed to have the sentence read “... conditions of life calculated to bring about ...” instead of [calculation to bring ...].
- **Part (j)** stakeholders recommended for the inclusion of the words “Radicalisation and Extremism” on the definition for terrorism.

3. ARTICLE 3

- **Part (1)(i)** on page 6 of the Pact, members recommended to include the [...illegal trade in minerals] in combating transnational and cross border crime under the areas of cooperation.
- The stakeholders recommended the inclusion of “Combating Environmental and Wildlife Crime” as a new thematic area of cooperation by Partner States.
- **Part (3)(d)**, the stakeholders observed the wording “Hunt down” criminals was not portraying the best picture for the Partner States. Instead, they recommended the use of the word [Pursue] criminals among member states.

4. ARTICLE 7: The stakeholders were concerned with the extent or level at which information should be shared with other member states. More so, the mechanism put in place in handling sensitive security information.

- The stakeholders observed the need to include a clause which binds Partner States on the principle of confidentiality on received or accessed information in the process of withdrawing from the Pact or when the Pact comes to an end.

CONCLUSION:

There was consensus that the Mutual Peace and Security Pact is of benefit to Kenya in light of the existing and emerging threats to peace and security. The

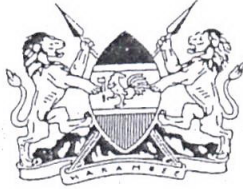
CONFIDENTIAL

ratification of the Mutual Peace and Security Pact will therefore enhance the fulfillment of Kenya's obligation to the AU and UN Peace and Security.

WAY FORWARD:

The stakeholders therefore recommended that Kenya ratifies this Pact in line with the provision of the Constitution 2010 and the Treaty Making and Ratification Act, 2012.

CONFIDENTIAL



REPUBLIC OF KENYA

**MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL
GOVERNMENT**

**CABINET MEMORANDUM ON RATIFICATION OF THE EAST AFRICAN
COMMUNITY PROTOCOL ON PEACE AND SECURITY**

A. OBJECTIVE OF THE MEMORANDUM

The purpose of this Cabinet Memorandum is to apprise the Cabinet on Kenya's participation in regional peace and security under the Treaty for the Establishment of the East African Community (the Treaty), and to seek approval for Kenya to ratify the East African Community Protocol on Peace and Security, hereinafter referred to as the Protocol.

B. THE BACKGROUND OF THE SUBJECT MATTER

The Protocol was drafted in line with Article 151 of the Treaty which empowers Partner States to establish Protocols as are necessary in the areas of cooperation, and Articles 5(3)(f) and 124 which underscores that peace and security are pre-requisites to social and economic development within the Community. The Partner States subjected the Protocol to the following process before its conclusion:

- i. Several experts working group/ technical experts' meetings constituting the relevant experts from each of the Partner States developed working drafts for consideration by the senior officials of the Sectoral Councils on Defence and security, Cooperation in Defence, Interstate Security and meetings of Joint Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination;

- ii. The relevant senior officials from each of the Partner States considered the various drafts and severally made input into the experts' drafts whenever referred to them;
- iii. Upon consideration and input, the senior officials forwarded their drafts with their input to the Coordination Committee consisting of the Permanent Secretaries/ service commanders/ police chiefs/ defence chiefs for consideration and further input before presentation to the ministerial session of the Sectoral Council on Interstate Security;
- iv. The ministerial session of the Sectoral Council on Interstate Security gave directives and made decisions that required that the certain matters be clarified by the experts while others required further consultations by Partner States. The decisions and directives of the Sectoral Council on Interstate Security were forwarded to the Council;
- v. The Council on a number of occasions directed the Sectoral Council on Interstate Security to convene a meeting of Joint Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination to consider and develop consensus on cross cutting issues covered by the Protocol;
- vi. When consensus was reached by the meeting of the Joint Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination on consideration of the policy provisions and implications of the Protocol, the Council referred the Draft Protocol to the Sectoral Council on Legal and Judicial Affairs for legal input. This is the Sectoral Council constituted by the Attorneys General of the Partner States;
- vii. The Sectoral Council on Legal and Judicial Affairs did refer the Draft Protocol three times to the Joint Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination or the Sectoral Council on Interstate Security for clarification of cross cutting issues or on matters of policy concerns. When it was satisfied that the Protocol was sound, the

Protocol was forwarded to the Council for approval and onwards submission to the Summit for adoption. The EAC Summit of Heads of State approved the East African Community Protocol on Peace and Security at its 14th Ordinary Meeting in Nairobi under the chairmanship of the President of the Republic of Kenya, His Excellency Hon. Mwai Kibaki on 30th November 2012.

- viii. The then Minister for Gender, Children and Social Development, Hon (Dr) Naomi Shabaan, signed the Protocol on behalf of the Republic of Kenya at the 5th Meeting of the Joint Sectoral Councils on Cooperation in Defence, Interstate Security and Foreign Policy Coordination held in Dar es Salaam, in the United Republic of Tanzania on 16th February 2013.
- ix. The EAC Council, sitting in Dar es Salaam on 16th February 2013, directed that all partner States endeavor to ratify the Protocol by 15th February, 2014.

C. ANALYSIS OF THE PROBLEM

a. Objects and subject matter of the Protocol

The main objective of the Protocol is to promote peace, security and stability within the Community and good neighbourliness among Partner States. To this end, the Protocol obligates the Partner States to *inter alia* undertake to:

- i. Protect its people and safeguard the development of the East African Community (EAC) against instability arising from the breakdown of law and order, intra and inter States conflict and aggression;
- ii. Coordinate and Cooperate in matters related to peace and security in the EAC;
- iii. Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- iv. Observe and encourage the implementation of the United Nations, African Union and other International Conventions and Treaties on

Arms Control, Disarmament and peaceful relations among Partner States

b. Constitutional implications

- i. The Protocol proposes no amendments to the Constitution of Kenya.
- ii. The Protocol is in line with the principles of the Constitution of Kenya and specifically recognizes the principles for the respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, non aggression and non interference in the internal affairs of each Partner State.

c. Impact of the ratification of the Protocol on national interest

The Protocol encourages Partner States to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to peace and security of Partner States with a view of prevention, better management and resolution of disputes and conflicts between them. To this end, the protocol will commit the government to develop mechanisms that shall aim to:

- i. Coordinate and cooperate with other EAC partner States in matters related to peace and security;
- ii. Prevent, contain and peacefully resolve conflicts and disputes among and within the EAC Partner States;
- iii. Observe and encourage implementation of international conventions touching on peace and security; and
- iv. Enhance the capacity of the Community with respect to; regional peace support operations, disaster management, and management of refugees, combating terrorism and piracy, and exchange of prisoners.

d. Obligations imposed on Kenya by the protocol

Article 151(4) of the Treaty provides that Annexure and Protocols form an integral part of the Treaty which Kenya has already ratified and domesticated vide the Treaty for the Establishment of the East African

Community Act of Kenya, Act No 2 of 2000. The obligations imposed by the Protocol are therefore linked to those of the EAC as established by the Treaty.

e. **Requirements for implementation of the Protocol**

Article 15 of the Protocol provides that the EAC Council of Ministers shall determine the institutional arrangement for the implementation of the Protocol. At the national level, the existing government agencies, mandated to handle the specific thematic areas on the Protocol shall oversee the implementation of the protocol under the supervision of the Department of the East African Affairs.

f. **Policy and legislative considerations**

To realize the objectives of the Protocol, the following have to be considered:

- i. A common regional training standards and curricular for officers cooperating in the relevant sectors;
- ii. Regional centres/institutions of excellence to promote common standards and best practices;
- iii. Harmonization of policies and strategies on peace and security;
- iv. Harmonization and approximation of laws and regulations for effective coordination of cooperation in the sector.

g. **Ministerial responsibility**

The responsibility for the implementation of the Protocol shall be by all Cabinet Secretaries responsible for, internal security, disaster management, refugee affairs, immigration affairs, prisons, probation and after care services, peace building and conflict management, defence affairs, children affairs, registrar of motor vehicles, marine services, and any other area of cooperation that may be agreed by consensus of the Partner States to be included in the EAC regional strategy on peace and security.

h. Implications on matters relating to counties

As per the Constitution, the areas of cooperation covered by the Protocol fall under the functions of the national government. The national government shall therefore coordinate with the county government as and when necessary.

i. Date of signature

The Protocol was signed on 16th February 2013 in Dar es Salaam, in the United Republic of Tanzania

j. The number of states party to the protocol

Five states are currently party to the protocol namely, Republics of Burundi, Kenya, Rwanda, United Republic of Tanzania and Uganda. The Protocol shall apply to any other country granted membership to the EAC under Article 3 of the Treaty.

k. Views of the public on the ratification of the protocol

The Ministry invited the views of the public by publishing the Protocol in the electronic and print media on 22nd November 2013. The Ministry also convened a public forum at the Kenya School of Monetary Studies on 28th January 2014 where it received the views of the public and relevant stakeholders. The same are contained in the enclosed report (*REPORT OF THE INTER AGENCY COMMITTEE ON PUBLIC PARTICIPATION PROCESS ON THE RATIFICATION OF THE EAST AFRICA COMMUNITY PROTOCOL ON PEACE AND SECURITY DATED 30TH JANUARY 2014*)

l. Provision for reservations and recommendations

The Protocol has no provision for reservations.

m. Reservations/ declarations to align with national interests/ constitution

No Protocol provision applies in this regard.

n. **Use of public funds in the implementation of the protocol**

The implementation of the Protocol will certainly involve the use of public funds by the relevant departments and agencies involved in the implementation. The estimated cost of expenditure may not be apparent at the moment.

D. FINANCIAL IMPLICATIONS

The implementation of the Protocol in the short term is not envisaged to have any major financial implications save for greater emphasis on the regional dimension to the functions and responsibilities during the budgeting process by the relevant Departments and agencies.

In addition, whilst the existing government agencies will carry on with implementation of the Protocol, the obligations arising from the Protocol will call for additional allocation of resources from Partner States. Currently, much of these resources are mainly dependent on development partners.

E. RECOMMENDATIONS TO THE CABINET

The Cabinet is requested to:

- (i) Note the contents of the Cabinet Memorandum
- (ii) Consider and approve the ratification of the Protocol

Cabinet Secretary for East African Affairs, Tourism and Commerce

Signed..... *Pha Die* Date..... *28th August 2014*

Cabinet Secretary for Interior and Coordination of National Government

Signed..... *Heftur* Date..... *14/8/14*

Cabinet Secretary for National Treasury

Signed..... *[Signature]* Date..... *25/8/14.*

Attorney General

Signed..... *[Signature]* Date..... *14/8/14.*

Handwritten text, possibly a signature or name, located in the lower-left quadrant of the page.

Handwritten text, possibly a date or another signature, located in the lower-right quadrant of the page.

Handwritten text, possibly a date or a small note, located in the lower-middle section of the page.

Handwritten text, possibly a date or a small note, located in the lower-middle section of the page.

Handwritten text, possibly a date or a small note, located in the lower-right section of the page.

ANNEX 1

LIST OF STAKEHOLDERS INVITED TO CONSULTATIVE FORUM ON EAC PEACE AND SECURITY PROTOCOL HELD AT KENYA SCHOOL OF MONETARY STUDIES ON TUESDAY 28TH JANUARY 2014.

1. Principal Secretary for Ministry of Defence
2. Principal Secretary for Ministry of Foreign Affairs and International Trade
3. Principal Secretary for Ministry of Devolution and Planning
4. Principal Secretary for Ministry of EA Affairs, Tourism and Commerce
5. Principal Secretary for Ministry of Interior & CNG-Probation, Prisons, security
6. Principal Secretary for Ministry of labour, social security and services
7. Attorney General
8. Director General
9. Director NCTC
10. Deputy IG Kenya Police
11. Deputy IG Admin Police
12. Kenya National Assembly
13. Chairman CIC
14. Chairman Kenya Law Reform Commission
15. Director KWS
16. Secretary National Steering Committee on Peace Building and Conflict Management
17. Director Kenya National Focal Point on SALW
18. Director Immigration
19. Commissioner Refugee Affairs
20. Director Children Department
21. Managing Director Maritime Authority
22. Country Representative UNHCR
23. Peace and Development Network Trust
24. Act Change Transformation
25. African Peace Forum
26. Safer World
27. Security Research and Information Centre

28. County Commissioner-Muranga,
29. County Commissioner-Nakuru,
30. County Commissioner- Bomet,
31. County Commissioner- Bungoma,
32. County Commissioner- Kisii,
33. County Commissioner- Kirinyaga,
34. County Commissioner-Machakos,
35. County Commissioner- Kitui

REPORT OF THE INTER AGENCY COMMITTEE ON PUBLIC PARTICIPATION PROCESS ON THE RATIFICATION OF THE EAST AFRICA COMMUNITY PROTOCOL ON PEACE AND SECURITY DATED 30TH JANUARY 2014

Background:

The East African Community Protocol on Peace and Security (the Protocol) was drafted in line with Article 151 of the Treaty Establishing the East African Community which empowers Partner States to establish Protocols as are necessary in the areas of cooperation, and Article 124 which underscores that peace and security are pre-requisites to social and economic development within the Community.

In furtherance of the spirit of cooperation in East Africa the EAC Partner States Ministers at the Joint Meeting of the Sectoral Councils on Cooperation in Defence, Inter State Security and Foreign Affairs Coordination in Dar es Salaam, Tanzania on 16th February 2013 signed the Protocol on Peace and Security.

Pursuant to the directive of the EAC Council of Ministers that Partner States ratify the Protocol by 15th February 2014, Kenya commenced the ratification process in line with the Treaty Making and Ratification Act No. 45 of 2012.

Subsequently the Ministry of Interior and Coordination of National Government in liaison with the Ministry of East African Affairs, Commerce and Tourism established an inter-agency committee to oversee the ratification process of the Protocol.

Objectives:

The main objective of the Protocol is to promote peace, security and stability within the Community and good neighbourliness among Partner States. To this end the Partner States shall undertake inter alia to:

1. Protect people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra and inter States conflict and aggression;
2. Coordinate and Cooperate in matters related to peace and security in the community;
3. Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
4. Observe and encourage the implementation of the United Nations, African Union and other International Conventions and Treaties on Arms Control, Disarmament and peaceful relations among Partner States;

Public Participation:

The Constitution of Kenya and Section 7(m) of the Treaty Making and Ratification Act No. 45 of 2012 require Public Participation in the ratification process of any Treaty. In fulfillment of the said requirement, the inter-agency committee invited the views of the public by publishing the Protocol in the electronic and print media on 22nd November 2013. The Committee also convened a public forum at the Kenya School of Monetary Studies on 28th January 2014 where it received the views of the public and relevant stakeholders. The stakeholders were drawn from members of the public, civil societies and government agencies as per annex 1.

STAKEHOLDERS SUBMISSIONS:

Comments on Specific Articles of the Protocol

Article 4 – Conflict Prevention, Management and Resolution (CPMR)

The Committee received the following background information on this article:

That the CPMR component provided by Article 4 has been a work in progress since 2007 at the level of inter-ministerial, technical, and sectoral consultations whose main purpose was to collaborate, to promote regional peace and security through the development, adoption and implementation of the CPMR mechanism. It consists of the establishment of an EAC Peace Facility and adoption of indicators for the EAC Early Warning Mechanism in tandem with UN and AU obligations.

The committee was also informed that the following structures and initiatives have been made and will support implementation of the CPMR component

- Development and operationalisation of the National Peace Policy with key pillars on CPMR, EWARM, Mediation support unit;
- Development of the SALW Policy;
- Institutionalization of peace process to include cross border mechanisms;
- Continuous training and capacity development of stakeholders at regional level through exchange visits.
- Established joint administrative border committees
- Developed Structures to oversee implementation of cross-border community agreements on peace and security
- Mainstreaming gender in peace building and conflict management processes;
- Joint training in Peace Support Operations e.g. at the International Peace support Training Centre (Karen) and Humanitarian Peace School Studies (Embakasi);
- Provided platforms for partnerships, information sharing and synergy among respective agencies i.e. the CEWERUs, the National Focal Point on SALW, Police chiefs and military

Stakeholders' recommendations on Article 4

- Ratification of the protocol will hasten the joint approaches to address insecurity thereby setting the right environment for stability and development in the region.
- Ratification will commit Member States to put in place national mechanisms as well as set aside funds to support implementation;
- Integration on security issues will not only mitigate but foster confidence among the Partner States which will have a significant bearing on Kenya's potential to growth and development;
- Provides opportunity for further negotiation and avenue for fair, transparent and practical enforceable measures.

Article 5 – Prevention of Genocide

The Stakeholders were concerned about the development of joint mechanisms to prevent Genocide and whether it would be more practicable to develop mechanisms to deal with prevention of genocide at individual Partner States level.

The Stakeholders were cognizant of the international principles of non-interference and noted the difficulties of getting involved in the internal affairs of a Partner State and this may pose a challenge in fully implementing the provisions of this Article.

There were concerns raised on the controversy surrounding the definition and existence of Genocide and questions were raised on how to address the issue where the perpetrator was a government of a member State.

It was suggested that maybe the Article should have been substituted with a joint mechanism to promote transitional justice both restorative and retributive.

The forum was however given a background of the intentions of the drafters who were concerned with dealing with the consequences of genocide such as mechanisms to provide humanitarian assistance, granting of asylum to refugees and general prevention measures that can prevent genocide.

There was a suggestion that perhaps Article 5 would have been well captured under Article 4. The forum was informed that this was negotiated text that had become acceptable to all Partner States which is also in accord with International Law such as the definition of genocide as provided by the Rome Statute and therefore it is in order to have Article 5 as a stand-alone provision.

Article 6 – Combating Terrorism

The Stakeholders appreciated Article 6 and observed that cooperation in counter terrorism is a positive move and should be enhanced.

Article 7 – Combating and Suppressing Piracy

The Stakeholders deliberated on whether Piracy happened only in the Indian Ocean or it included piracy in the inland waters such as Lake Victoria. It was clarified that Piracy existed not only in the Indian Ocean but in inland waters as well and hence the need for joint mechanisms to combat and suppress the menace.

The Stakeholders embraced operationalization of this Article noting it will be beneficial to Kenya in terms of safeguarding trade and security. They further noted that joint mechanism would also benefit Kenya because combating piracy is an expensive affair and cooperation with other EAC Partner States would ease the burden and ensure trade benefits within the EAC.

Article 8 – Peace Support Operations

The Stakeholders observed that since there is an East Africa Community Directorate of Peace and Security, it will be easy to implement provisions of this Article.

Article 9 – Disaster Risk Reduction, Management and Crisis Response

The Stakeholders noted that this was an area in which Kenya was greatly challenged in that the country is vulnerable to disasters and yet lacks adequate capacity to mitigate the same. They also noted that although implementation of this Article would be beneficial to Kenya, there was urgent need to:

1. Fast track the development and adaption of a policy framework on disaster management;
2. Establish a full-fledged Disaster Management Authority;
3. Build capacity for prevention of disasters;
4. Enhance coordination of all departments and stakeholders that deal with disaster prevention and management;
5. Conduct civic education on disaster risk reduction;

Stakeholders' Recommendations on Article 9:

The stakeholders concluded that there was need to establish a Disaster Management Authority before effectively developing mechanisms to provide mutual assistance and crisis response at the regional level. However they noted that development of joint mechanisms to deal with disasters is positive and should be encouraged.

Article 10 – Management of Refugees

The Stakeholders appreciated this Article and stated that it would encourage Partner States to consider developing a common policy to regulate refugee camps and other refugee affairs. They also made the following observation and recommendations:

1. That local communities support government's policy on closure of refugee camps;
2. The need to harmonize identification and documentation of refugees entering the region;
3. The need to fast track enactment of the Refugee Amendment Bill;
4. The need to develop a policy for the management of refugees.

Article 11 – Control of Proliferation of Illicit Small Arms and Light Weapons (SALW)

The Stakeholders acknowledged that progress on this Article had been made in terms of:

1. Establishment of a National Focal Point (NFP) on SALW;
2. Formulation of SALW Policy;
3. All Partner states are members of the Nairobi Protocol on SALW;
4. All Partner States have shown commitment to regional and international instruments on SALW

The Stakeholders however noted that successful implementation of this Article will depend on effective operationalization of the following:

1. The Nairobi Protocol on SALW
2. National Action Plans on SALW
3. Strengthening the capacities of NFPs and Regional Centre on Small Arms in the Great Lakes Region, Horn of Africa and bordering States;

Ratification of the Peace and security protocol will therefore be a boost in areas of SALW proliferation and cattle rustlings.

Article 12 – Combating Transnational and Cross Border Crimes

The Stakeholders welcomed the inclusion of this Article but observed the following:

1. The Republics of Kenya, Uganda and Rwanda have entered a pact on a Single EAC Tourist Visa;
2. Any joint operations on cross border security management should be guided by the Constitution of Kenya and International Human Rights Instruments

The Stakeholders observed that there had been challenges since some of the EAC Partner States do not issue National identity Cards and this poses security challenges when their nationals seek entry into Kenya using non travel identification documents.

Stakeholders' Recommendations on Article 12:

The Stakeholders noted that there are challenges posed by lack of harmonized documents that are acceptable to allow cross border movement and in the absence of new generation identify cards by all Partner States, there is need to fast track and internationalize a common travel document for use within the Community.

Article 13 – Preventing and Combating Cattle Rustling

The Stakeholders noted the Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa (Mifugo Protocol) will compliment the implementation of this Article.

Stakeholders' Recommendation on Article 13:

There is need to:

1. Create structures and programs for joint operations and initiatives.
2. Develop a policy on Prevention and Combating of Cattle Rustling
3. Develop a Strategic Plan especially in branding, marking, surveillance and tracking of animals.

This protocol takes cognizance of others such as Mifugo Protocol and Nairobi Protocol. Improved coordination and linkage of security agencies on areas of converging is therefore of great interest for the country.

Article 14 – Cooperation in the Exchange, Detention, Custody and Rehabilitation of Prisoners and Offenders

The Stakeholders noted the following:

1. There is need to incorporate correctional services and to fast track the enactment of the Transfer of Prisoners Bill towards realization of the objectives of Article 14.
2. There is need for Partner States to develop a platform for sharing information on prohibited persons and those declared persona non grata;
3. There is need to develop a common travel document within the Community.

The Stakeholders proposed that the government be advised to insist on the required use of the East Africa Passport as the official travel document within the EAC.

The Stakeholders submitted the following general comments.

1. That the Protocol had already been signed by the Partner States;
2. Once ratified, implementation of the Protocol will be made easier through the use of existing mechanisms/institutions for example the EAC Directorate of Peace and Security;
3. Stakeholders views will inform the Cabinet on the way forward and especially address the following concerns on implementation of the Protocol:
 - (a) Financial Implications;
 - (b) Kenya's level of preparedness;
 - (c) Availability of structures in Kenya that will assist in implementation;
 - (d) Harmonization of policies, laws, strategies and measures for realization of Protocol objectives;
 - (e) Development of strategic plans and action plans
 - (f) Strengthening focal points.
4. There was consensus that the Protocol is relevant but there is need to strengthen Kenya's institutions and enhance national capacity;
5. There is need to bring together all agents that have been acting singularly and whose competencies touch on security.
6. There is need to act in synergy to address border security which would require harmonization of policies, strategies and laws that deal with the same which will be realized with the ratification of the Protocol.
7. **Financial implications:** While the existing government agencies will carry on with Implementation, the obligations arising herein will call for additional allocation of resources from Partner States.

Conclusion:

There was consensus that the Protocol is of benefit to Kenya in light of the existing and emerging threats to peace and security. The Committee was requested to appraise the government on the areas for improvement that had been highlighted by the Stakeholders. It was also requested to appraise the government to strengthen officers' capacity to mitigate and deal with the challenges that will arise from implementation of the Protocol.

The ratification of the EAC Peace and Security Protocol will therefore enhance the fulfillment of Kenya's obligation to the AU and UN peace and security requirements.

Way Forward:

Kenya should ratify the Protocol after fulfilling the requirements of the Constitution and the Treaty Making and Ratification Act of 2012.



LAWS OF KENYA

TREATY MAKING AND RATIFICATION ACT

No. 45 of 2012

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 45 OF 2012

TREATY MAKING AND RATIFICATION ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Application.

PART II – INITIATION AND NEGOTIATION OF TREATIES

4. General responsibility for treaty initiation.
5. Initiation of treaty making process.
6. Values and principles in negotiating treaties.

PART III – RATIFICATION OF TREATIES

7. Approval by Cabinet.
8. Consideration by Parliament.
9. Approval for ratification.
10. Ratification of treaty.
11. Grant of full powers.
12. Offence to ratify without approval.

PART IV – REGISTRY OF TREATIES

13. Registry of Treaties.
14. Registrar.

PART V – GENERAL PROVISIONS

15. Public awareness.
16. Reporting in compliance with terms of treaties.
17. Denunciation of certain treaties.
18. Rules.

NO. 45 OF 2012

TREATY MAKING AND RATIFICATION ACT

[Date of assent: 13th December, 2012.]

[Date of commencement: 14th December, 2012.]

An Act of Parliament to give effect to the provisions of Article 2(6) of the Constitution and to provide the procedure for the making and ratification of treaties and connected purposes

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Treaty Making and Ratification Act, 2012.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**bilateral treaty**” means an agreement concluded between Kenya and any other State or between Kenya and an international organisation;

“**Cabinet Secretary**” means the Cabinet Secretary for the time being responsible for matters relating to treaties;

“**full powers**” means all those powers conferred, by way of a legal document, to a person or persons designated by a competent state authority, to represent the State for negotiating, adopting, or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect of a treaty;

“**international organisation**” means an intergovernmental organization;

“**ratification**” means the international act by which the State signifies its consent to be bound by a treaty and includes acceptance, approval and accession where the treaty so provides;

“**Registrar**” means the Registrar of Treaties appointed under section 14;

“**Registry**” means the Registry of Treaties established by section 10;

“**relevant Cabinet Secretary**” means the Cabinet Secretary for the time being responsible the subject matter of the treaty;

“**relevant State department**” means the State department responsible for the subject matter of the treaty to be approved for ratification;

“**reservation**” means a unilateral statement made by a State when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to the State;

“signature” means an act whereby the State expresses its willingness to consent to the text of a treaty and has the effect of obligating the said State, even though it may not be a party to the treaty, to refrain, in good faith, from acts that would defeat the object and purpose of the treaty;

“treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation and includes a convention.

(2) Despite subsection (1), until after the first elections under the Constitution, references in this Act to the expression “**Cabinet Secretary**” and “**State Department**” shall be construed to mean “**Minister**” and “**Ministry**” respectively.

3. Application

(1) This Act applies to treaties which are concluded by Kenya after the commencement of this Act.

(2) This Act shall apply to—

- (a) multilateral treaties;
- (b) bilateral treaties which deal with—
 - (i) the security of Kenya, its sovereignty, independence, unity or territorial integrity;
 - (ii) the rights and duties of citizens of Kenya;
 - (iii) the status of Kenya under international law and the maintenance or support of such status;
 - (iv) the relationship between Kenya and any international organisation or similar body; and
 - (v) the environment and natural resources.

(3) A treaty relating to the adjustment, alteration or variation of the present position of Kenya on matters of sovereignty, independence and territorial integrity shall be approved in a referendum in accordance with Article 255 of the Constitution.

(4) Notwithstanding subsection (2)(b), the Government may enter into bilateral agreements—

- (a) necessary for matters relating to government business; or
- (b) relating to technical, administrative or executive matters.

PART II – INITIATION AND NEGOTIATION OF TREATIES

4. General responsibility for treaty initiation

(1) Subject to the provisions of this Act, the national executive shall be responsible for initiating the treaty making process, negotiating and ratifying treaties.

(2) The responsibility provided for in subsection (1) may be delegated to a relevant State department.

5. Initiation of treaty making process

(1) Subject to the provisions of this section, the relevant national executive or the relevant State department shall initiate the treaty making process in such manner as may be prescribed by the Cabinet Secretary.

(2) When deciding whether to initiate the treaty-making process or not, the national executive or the relevant State department shall consider the following—

- (a) the need that the new treaty is to meet;
- (b) the existing legal regime, including the extent of its applicability to the perceived problem;
- (c) the probability of reaching the required measure of agreement on the solution aimed for;
- (d) any relevant legislative efforts related to the perceived problem;
- (e) the optimal form for the proposed treaty;
- (f) the likelihood that the proposed treaty shall be accepted by a sufficient number of states, where the treaty is multilateral;
- (g) the anticipated time schedule for completing the treaty-making process;
- (h) the expected costs of formulating and adopting the treaty to Kenya;
- (i) in formulating treaties relating to technical or scientific problems; whether extensive scientific studies or research have been carried out to determine the parameters of the problem and the lines of potential solutions.

(3) The national executive or the relevant State department shall record whether the conditions in subsection (2) are met, and shall present a proposal to commence treaty-making for approval by the Cabinet.

(4) The Cabinet shall consider and approve or disapprove a proposal for treaty making presented in accordance with subsection (3) within a reasonable time.

6. Values and principles in negotiating treaties

(1) In negotiating treaties, the national executive or the relevant State department shall be bound by the values and principles of the Constitution; and shall take into account the regulatory impact of any proposed treaty.

(2) When appointing persons to negotiate a treaty, the national executive or the relevant State department shall appoint persons who are competent to undertake such negotiations in the interest of the people of Kenya.

PART III – RATIFICATION OF TREATIES**7. Approval by Cabinet**

Where the Government intends to ratify a treaty, the Cabinet Secretary of the relevant State department shall, in consultation with the Attorney-General, submit to the Cabinet the treaty, together with a memorandum outlining—

- (a) the objects and subject matter of the treaty;

- (b) any constitutional implications including—
 - (i) any proposed amendment to the Constitution; and
 - (ii) that the treaty is consistent with the Constitution and promotes constitutional values and objectives;
- (c) the national interests which may be affected by the ratification of the treaty;
- (d) obligations imposed on Kenya by the treaty;
- (e) requirements for implementation of the treaty;
- (f) policy and legislative considerations;
- (g) financial implications;
- (h) ministerial responsibility;
- (i) implications on matters relating to counties;
- (j) the summary of the process leading to the adoption of the treaty;
- (k) the date of signature;
- (l) the number of states that are party to the treaty;
- (m) the views of the public on the ratification of the treaty;
- (n) whether the treaty sought to be ratified permits reservations and any recommendations on reservations and declarations;
- (o) the proposed text of any reservations that should be entered when ratifying the treaty in order to protect or advance national interests or ensure conformity with the Constitution; and
- (p) whether expenditure of public funds will be incurred in implementing the treaty and an estimate, where possible, of the expenditure.

8. Consideration by Parliament

(1) Where the Cabinet approves the ratification of a treaty, the Cabinet Secretary shall submit the treaty and a memorandum on the treaty to the Speaker of the National Assembly.

(2) A treaty approved for ratification by the Cabinet under section 7 shall, depending on its subject matter, be considered by both or the relevant House of Parliament paying due regard to Part 1 and Part 2 of Chapter Eight of the Constitution.

(3) The relevant parliamentary committee shall, during its consideration of the Treaty, ensure public participation in the ratification process in accordance with laid down parliamentary procedures.

(4) Parliament may approve the ratification of a treaty with or without reservations to specific provisions of the treaty.

(5) A proposed reservation shall be introduced as a provision into the treaty in accordance with the procedure set out in the Standing Orders.

(6) Where one House approves the ratification of a treaty and the other House refuses to approve the ratification of a treaty, the treaty shall be referred to the mediation committee in accordance with Article 112 of the Constitution.

(7) Where the both Houses refuse to approve the ratification of a treaty, the Speakers of the two Houses shall submit their decision to the relevant Cabinet Secretary within fourteen days of the decision.

(8) Nothing in this Act precludes the resubmission of a treaty to National Assembly and where applicable the Senate, where approval for the ratification of the treaty had been refused.

(9) Parliament shall not approve the ratification of a treaty or part of it if its provisions are contrary to Constitution, nor shall the House approve a reservation to a treaty or part of it if that reservation negates any of the provisions of the Constitution even if the reservation is permitted under the relevant treaty.

9. Approval for ratification

(1) Where the ratification of a treaty referred to in section 7 is approved by Parliament without any reservations to the treaty, the relevant Cabinet Secretary shall, within thirty days from the date of the approval of the ratification of treaty request the Cabinet Secretary to prepare the instrument of ratification of the treaty.

(2) Where a treaty referred to in section 7 is approved for ratification with reservations to some provisions of the treaty, the treaty shall be ratified with those reservations to the corresponding article in the treaty.

(3) Where Parliament refuses to approve the ratification of the treaty referred to in section 7, the Government shall not ratify the treaty.

10. Ratification of Treaty

(1) All instruments of ratification of a treaty shall be signed, sealed and deposited by the Cabinet Secretary at the requisite international body and a copy thereof shall be filed with the Registrar.

(2) Where a treaty ratified under this Act is subsequently amended or modified, the amendment or modification shall be ratified only after compliance with the procedure set out in this Part.

(3) The provisions of subsection (2) shall apply similarly to protocols signed under a treaty.

11. Granting of full powers

The Cabinet Secretary may grant full powers to such persons as may be appropriate for the purposes of ratification of any treaty in accordance with this Act.

12. Offence to ratify without approval

(1) A person shall not ratify any treaty on behalf of the Government of Kenya unless the treaty has been considered and approved by the Cabinet and Parliament in accordance with this Part.

(2) A person who contravenes subsection (1) commits an offence and shall be liable to imprisonment for a term not exceeding fifteen years or to a fine not exceeding twenty million shillings or to both such fine or imprisonment.

PART IV – REGISTRY OF TREATIES

13. Registry of Treaties

(1) There shall be a Registry of Treaties which shall be a department within the State Department responsible for matters relating to treaties.

(2) The Registry shall—

- (a) be the depository of all treaties to which Kenya is a party;
- (b) contain a record of all treaties in such manner as may be prescribed;
- (c) contain the status of all treaties pending ratification or domestication and the timelines for such ratification or domestication;
- (d) perform such other function as may be assigned to it by the Cabinet Secretary.

14. Registrar

(1) The Registry shall be headed by the Registrar of Treaties who shall be appointed by the Cabinet Secretary through an open and competitive process, with the approval of the Public Service Commission.

(2) The office of the Registrar shall be an office in the public service.

(3) A person shall be qualified to be appointed as Registrar if such person has—

- (a) at least a degree in law from a university recognised in Kenya; and
- (b) at least seven years experience in the practice of law or international relations;

(4) The Registrar shall—

- (a) maintain a record of—
 - (i) the treaties to which Kenya is a signatory;
 - (ii) the treaties proposed for ratification by Kenya;
 - (iii) the treaties that Kenya has ratified;
 - (iv) Kenya's reports to any treaty body;
 - (v) the recommendations and concluding observations from any treaty body on Kenya's reports;
- (b) monitor the implementation of the treaties ratified by Kenya;
- (c) inform lead State departments to observe and uphold the obligations of the respective lead state department under the respective treaties;
- (d) advise any citizen of Kenya on the rights and obligations of Kenya under a treaty;
- (e) maintain a website of the treaties to which Kenya is a signatory;
- (f) keep copies of the published reports of proceedings of the negotiations that led to the adoption of the treaties ratified by Kenya;
- (g) facilitate public access to treaties which Kenya has ratified;

- (h) respond to public inquiries on any treaty ratified by Kenya; and
- (i) perform such other functions as may be prescribed by the Cabinet Secretary.

PART V – GENERAL PROVISIONS

15. Public awareness

(1) The Cabinet Secretary shall cause to be laid before the National Assembly, at least once every financial year, a report containing records of all treaties which Kenya has ratified and which may in any way bind Kenya to specific actions.

(2) The Cabinet Secretary shall, through publication in at least two newspapers of nationwide circulation, notify the public of every treaty, which may in any way bind, or to which Kenya is a party.

(3) The relevant State Department in respect of each treaty shall take measures to inform and create awareness to the public about the effects and benefits of the treaty.

16. Reporting in compliance with terms of treaties

Where a treaty provides for the submission of periodic reports as part of its monitoring mechanisms the Cabinet Secretary shall, in conjunction with the Attorney-General and the relevant State Department facilitate the preparation and submission of such report within the prescribed period.

17. Denunciation of certain treaties

(1) Where Kenya wishes withdraw from a treaty, the relevant Cabinet Secretary shall prepare a cabinet memorandum indicating the reasons for such an intention.

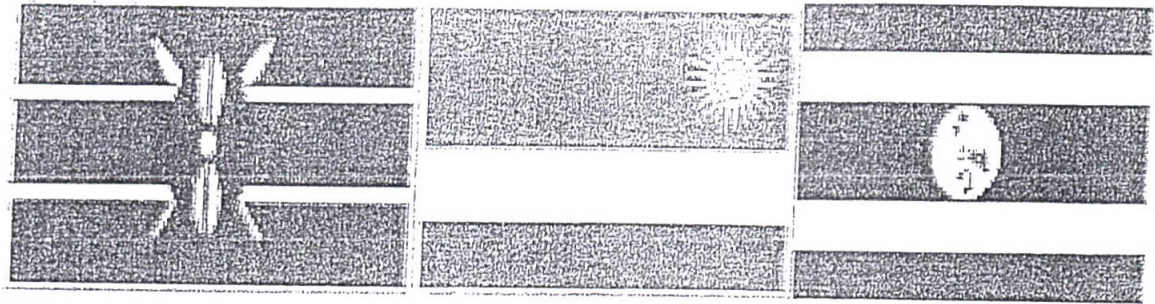
(2) The provisions of sections 4, 5 and 6 shall apply with necessary modifications, to withdrawal from a treaty.

18. Rules

(1) The Cabinet Secretary may make Rules for giving effect to this Act.

(2) Without limiting the generality of subsection (1) the Cabinet Secretary may make Rules—

- (a) prescribing anything that needs to be prescribed under this Act;
 - (b) for the granting of full powers in other areas in addition to the one specified under section 8;
 - (c) providing for the administrative steps to be taken prior to the preparation of the cabinet memorandum for cabinet approval of a treaty under this Act;
 - (d) the dissemination of information under this Act.
-



MUTUAL PEACE AND SECURITY PACT

A handwritten mark or signature, possibly initials, located in the bottom left corner of the page.

Jx

A handwritten signature or mark, possibly initials, located in the bottom center of the page.

PREAMBLE

PURSUANT TO the decisions of the Heads of State and Government in the Tripartite Summits held in Entebbe, Uganda, on 25th June 2013, Mombasa, Kenya, on 28th August 2013, and Kigali, Rwanda on 28th October 2013 in its paragraph (j) of the Kigali Communiqué on security cooperation. In compliance with article 8 of the MoU on fast tracking East African Integration signed on 28th October 2013 providing for a defense pact by end January 2014.

RECOGNIZING that various efforts have been made under the EAC in the peace and security sector;

NOTING that the ratification process of the EAC Protocol on Peace and Security is ongoing

AND WHEREAS the Partner states further agreed to encourage and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner states with emphasis to the in prevention, better management and resolution of disputes and conflicts in the region;

AND WHEREAS the Partner States agreed to enhance co-operation for mutual peace and security;

IN COMPLIANCE with the provisions of the MoU between Republic of Kenya, the Republic of Rwanda and the Republic of Uganda on the Tripartite Initiative for fast-tracking the East African Integration;

AND IN COMPLIANCE with the Integration Projects Summit Joint Communiqué held in Kigali, Rwanda on 28th October 2013;

DO RESOLVE to unite their efforts towards collective peace and security, and the preservation of peace, security and stability;

Now, therefore, the Partner States hereby agree to conclude this Mutual Peace and Security Pact (hereinafter referred to as "the Pact") as follows:

ARTICLE 1:

Interpretation

1. In this Pact, except where the context otherwise requires, the following terminologies shall mean:

- a. **Mutual and Collective security:** The collective measures taken by the Partner States to ensure peace and security.
- b. **Partner States:** The Partner States signatory to this Pact
- d. **Summit:** The committee composed of the Heads of State and Government of the Member States;
- e. **Cross border crime:** A crime committed across Partner states which share common border;
- f. **Counter Terrorism:** Practices, tactics, approaches, techniques and strategies established by Partner states in response or pre-emption to terrorist threats or acts;
- g. **Transnational Crimes:** Crimes committed across the border of Partner states which do not share a common border.
- h. **Disaster Management:** Strategies for managing disaster which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation.
- i. **Genocide:** Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such:
 - a) Killing member of the group;
 - b) Causing seriously bodily or mental harm to the members of the group;

- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

j. Terrorism:

a) Any act which is the a violation of the criminal Laws of a partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and calculated or intended to:

i. Intimidate, put in fear, put in force, coerce or induce any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular stand point, or to act according to certain principles.

ii. Disrupt any service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a partner State.

b) Any promotion, sponsoring, contributing to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) and (ii).

ARTICLE 2

Objectives

1. The purpose of this Pact is to establish a framework for combating crimes to contribute towards collective peace and security among Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to;



- a) Protect the people in and safeguard the development of the Partner States against the instability arising from the breakdown of the Law and order, intra and inter-State conflicts and aggression;
- b) Coordinate and cooperate in matter related to peace and security in the Partner States;
- c) Prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- d) Observe and encourage the implementation of the United Nations, African Union and other International conventions and treaties on the arms control, disarmament and the, peaceful relations between Partner States;
- e) Develop peace keeping capacity and coordinate participation of the Partner States in International and Regional peace support operations;
- f) Enhance the capacity of the Partner States with respect to disaster management and coordination of the International Humanitarian assistance;
- g) Enhance the capacity of the Partner States in the management of refugees;
- h) Enhance the capacity of the Partner States in combating terrorism and piracy and;
- i) Cooperate in exchange of prisoners, detention, custody and rehabilitation of the offenders.

ARTICLE 3

Areas of cooperation

1. In order to achieve the Pact objective as in Art 2, the security inter-agencies of Partner States shall cooperate in all areas relevant for the promotion, maintenance of peace and security, stability in the region and shall include:

- a. Conflict prevention, management and resolution
- b. Prevention of genocide
- c. Combating terrorism
- d. Combating and suppressing piracy
- e. Peace support operations
- f. Disaster risk reduction, management and crisis response

- g. Management of refugees
- h. Control of proliferation of illicit small arms and light weapons
- i. Combating transnational and cross border crimes, including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft
- j. Addressing and combating cattle rustling
- k. Prisons and correctional services including exchange of prisoners, detention, custody and rehabilitation of offenders
- l. Combating organized crimes;
- m. Combating economic crimes;
- n. Collect, collate and share intelligence on emerging and existing threats

2. Sharing and promoting best practices including, mobilization of the population to prevent, combat and eradicate crimes, disaster preparedness and management.

3. For purposes of combating cross border crimes the Partner states shall develop appropriate mechanisms, strategies and programs as follows :

- a. Establishment of fusion centers
- b. Establishment of database on cross border crimes;
- c. Enhancing technical capacity for criminal intelligence;
- d. Facilitating joint operations to hunt down criminals among member states;
- e. Management of fugitives and suspects;
- f. Capacity building ,Training and Knowledge sharing;
- g. Harmonizing national legislations.
- h. Fast Tracking identified centers of excellence in Policing.

ARTICLE 4

Exchange of information and experience

1. The Partner states, through the established relevant organs, shall regularly exchange information, conduct and coordinate operations in the field of combating crimes.

2. Partner states, through established relevant organs and structures, shall work together to develop and enhance their capacities in a closer cooperation to facilitate the effective implementation of this pact and the achievement of its objective. In order to achieve the objectives of the Pact, the Partner States agree to undertake concerted measures to enhance cooperation in training and development mostly but not limited to:

- a. IT skills,
- b. Criminal investigations techniques
- c. Intellectual Property crimes
- d. Financial crimes
- e. Drug trafficking
- f. Smuggling of goods
- g. Human trafficking
- h. Counter terrorism
- i. Forensic Skills
- j. Any other areas of shared priority and common interest as may be agreed to by the Partner States.

ARTICLE 5

Free Movement of People

The free movement of people using ID, Voter's Cards and Student IDs poses security challenges. Each Partner State shall:

- a. Establish a mechanism for issuing student identification documents.
- b. Harmonize visa regulations to guide the issuance of single tourist visa.

ARTICLE 6

Funding

Partner States shall adequately finance the activities of the relevant organs, structures and operations.



ARTICLE 7

Confidentiality of Information

1. The Partner States undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than to their own staff, to whom such disclosure is essential for purposes of having effect to this Pact or such further agreements pursuant to this Pact.
2. The Partner States further undertake not to use any classified information obtained during any multilateral cooperation among them to the detriment of or against the interests of any Partner State.
3. Visiting personnel, in the implementation of this Pact, shall comply with the Security Regulations of the host Partner State. Any information disclosed or made available to such visiting personnel shall be treated in accordance with the provisions of this Article.

ARTICLE 8

Accession

This Pact shall remain open for accession by any State as shall be approved by the Partner States through the policy organs from time to time.

ARTICLE 9

Settlement of Disputes

Any dispute among the Partner States arising from the interpretation and/or implementation of this Pact shall be settled amicably. Where there is no resolution, the matter shall be referred to the EAC Court of Justice or any other mechanism agreed upon by the Partner States.

ARTICLE 10

Withdrawal of a Member

Any Partner State may withdraw from this Pact upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Summit and shall cease to enjoy all rights and benefits under this Pact.

ARTICLE 11

Amendment

1. Any Partner State may propose an amendment to this Pact.
2. Such proposals are to be made to the relevant organs which shall duly notify the Summit for consideration.
3. An amendment to this Pact shall be adopted by consensus of all the Partner States.

ARTICLE 12

Review of the Pact

This Pact shall be reviewed every three years.

ARTICLE 13


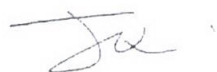
Breach of the Pact

Any Partner State may report an alleged breach of the Pact to the Summit, which shall instruct the relevant organs to carry out an investigation, report thereon and make recommendations back to the Summit.

ARTICLE 14

Implementation

The relevant authorities including other National Security Services such as Correctional, Immigration and Intelligence Services are to develop such organs, structures and policies as shall be necessary for the implementation of this Pact by 30th March 2014 for subsequent approval by the Committee of Ministers for onward transmission to the Summit.



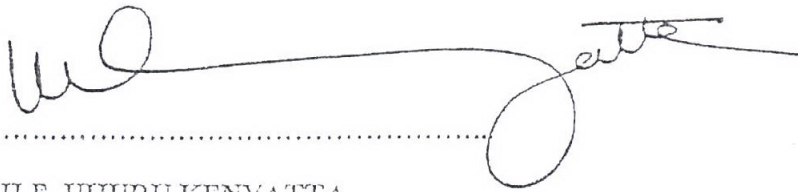
ARTICLE 15

Entry into Force

This Pact shall enter into force upon ratification by Partner States. The Pact shall enter into force 6 months after the date of signature by Partner States.

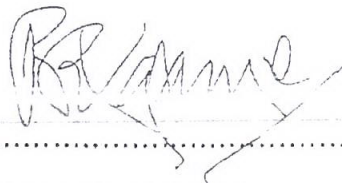
DONE at Kampala, Uganda this 20th day of February, 2014

IN WITNESS WHEREOF, WE, THE HEADS OF STATE OF PARTNER STATES HAVE SIGNED THIS PACT.



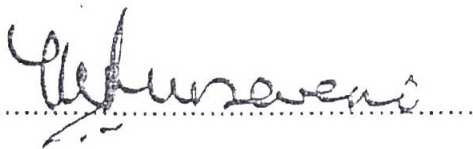
H.E. UHURU KENYATTA

PRESIDENT OF THE REPUBLIC OF KENYA



H.E. PAUL KAGAME

PRESIDENT OF THE REPUBLIC OF RWANDA



H.E. YOWERI KAGUTA MUSEVENI

PRESIDENT OF THE REPUBLIC OF UGANDA



East African Community

Protocol on Peace and Security



East African Community

Protocol on Peace and Security

Table of Contents

Preamble	5
Article 1 Interpretation	6
Article 2 Scope of Cooperation	8
Article 3 Objectives	8
Article 4 Conflict Prevention, Management and Resolution	9
Article 5 Prevention of Genocide	9
Article 6 Combating Terrorism	10
Article 7 Combating and Suppressing Piracy	10
Article 8 Peace Support Operations	10
Article 9 Disaster Management and Crisis Response	11
Article 10 Management of Refugees	11
Article 11 Control of Proliferation of Illicit Small Arms and Light Weapons	11
Article 12 Combating Transnational and Cross Border Crimes	12
Article 13 Preventing and Combating Cattle Rustling	12
Article 14 Cooperation in the Exchange, Detention, Custody and Rehabilitation of Prisoners and Offenders	13
Article 15 Institutional Arrangements	13
Article 16 Relationship with Regional and International Organisations	13
Article 17 Confidentiality of Information	13
Article 18 Dispute Settlement	14
Article 19 Amendment of the Protocol	14
Article 20 Entry into Force	14
Article 21 Depository and Registration	14

Preamble

.....5 **WHEREAS** the Republic of Kenya, the United Republic of Tanzania and the Republic
.....6 of Uganda signed the Treaty Establishing the East African Community on the 30th day
.....8 of November 1999;

.....8 **AND WHEREAS** the Republic of Burundi and the Republic of Rwanda acceded to the
.....9 accession Treaty on the 1st day of July 2007;

.....9 **AND WHEREAS** in order to promote the achievement of the objectives of the
.....10 Community set out in the Treaty the Partner States agreed under Article 5(3)(f) to promote
.....10 peace, security, and stability within, and good neighborliness among themselves;

.....10 **AND WHEREAS** under Article 124 of the Treaty the Partner States agreed that
.....11 peace and security are pre-requisites to social and economic development within the
.....11 Community and vital to the achievement of the objectives of the Community;

.....11 **AND WHEREAS** the Partner States further agreed to foster and maintain an atmosphere
.....11 that is conducive to peace and security through cooperation and consultations on issues
.....12 pertaining to the peace and security of the Partner States with a view to the prevention,
.....12 better management and resolution of disputes and conflicts between them;

.....13 **AND WHEREAS** under Article 151 of the Treaty, the Partner States undertook to
.....13 conclude such protocols as may be necessary in each area of cooperation which shall
.....13 spell out the objectives, scope of, and the institutional mechanisms for cooperation and
.....13 integration ;

.....13 **NOW THEREFORE** the Partner States;

.....14 **RE-AFFIRMING** their faith in the purposes and principles of the Charter of the United
.....14 Nations, and the Constitutive Act of the African Union and the desire to live in peace
.....14 with all peoples and governments;

.....14 **RECOGNIZING** the principles for the respect of sovereignty, equality, territorial
.....14 integrity, political independence, good neighbourliness, interdependence, non-
.....14 aggression and non-interference in the internal affairs of each Partner State;

AWARE that peace, security and strong political relations are critical factors in creating
a conducive environment for regional co-operation and integration;

CONSCIOUS of the fact that close co-operation, mutual understanding and collaboration in matters of peace and security will be to the mutual benefit of the Partner States;

DETERMINED to establish a regional mechanism for the effective implementation of decisions made in areas of peace and security, and to consolidate further ties of friendship and fraternity amongst the Partner States;

AGREE as follows:

ARTICLE 1 - Interpretation

In this Protocol, except where the context otherwise requires-

“combined operations” means any operation carried out by the forces of the Partner States under one command;

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

“Council” means the Council of Ministers of the Community provided for under Article 9 of the Treaty;

“counter-terrorism” means practices, tactics, techniques, and strategies that Governments, militaries, police departments and corporations of Partner States adopt in response to terrorist threats or acts, both real and imputed;

“cross border crime” means a crime committed across Partner States which share a common border;

“disaster management” means strategies for managing disasters which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation;

“early warning” means the process of collecting, verifying and analysing information for the purpose of identifying threats to peace and security and communicating the information to the responsible authorities;

“genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to the members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group;

“joint operations” means operations, which involve multi-Sectoral agencies of the Partner States engaged in peace support operations, 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;

“terrorism” means:

- (a) any act which is a violation of the criminal laws of a Partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a Partner State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) and (ii);

“transnational crime” means a crime committed across the border of Partner States which do not share a common border.

ARTICLE 2 - Scope of Cooperation

1. The Partner States shall cooperate in peace and security matters and collaborate with international and regional organisations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for the effective implementation of this Protocol.
3. Without prejudice to the generality of this Article, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) conflict prevention, management and resolution;
 - (b) prevention of genocide;
 - (c) combating terrorism;
 - (d) combating and suppressing piracy;
 - (e) peace support operations;
 - (f) disaster risk reduction, management and crisis response;
 - (g) management of refugees;
 - (h) control of proliferation of illicit small arms and light weapons;
 - (i) combating transnational and cross border crimes; including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft;
 - (j) addressing and combating cattle rustling; and
 - (k) Prisons and Correctional Services including exchange of prisoners, detention, custody and rehabilitation of offenders.
4. For purposes of paragraph 3, the Partner States agree to establish an early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

ARTICLE 3 - Objectives

1. The objective of this Protocol is to promote peace, security, and stability within the Community and good neighbourliness among the Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to:
 - (a) protect the people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra-and inter-state conflicts and aggression;
 - (b) co-ordinate and co-operate in matters related to peace and security in the Community;

- (c) prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
- (d) observe and encourage the implementation of the United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between Partner States;
- (e) develop peacekeeping capacity and co-ordinate the participation of Partner States in international and regional peace support operations;
- (f) enhance the capacity of the Community with respect to disaster management and co-ordination of international humanitarian assistance;
- (g) enhance the capacity of the Partner States in the management of refugees;
- (h) enhance the capacity of the Partner States in combating terrorism and piracy;
- (i) cooperate in exchange of prisoners, detention, custody and rehabilitation of offenders; and
- (j) implement the East African Community Strategy on Regional Peace and Security.

ARTICLE 4 - Conflict Prevention, Management and Resolution

1. The Partner States undertake to develop an East African Community conflict prevention, management and resolution mechanism.
2. For purposes of paragraph 1, Partner States shall manage and seek to resolve any dispute or conflict within and between two or more Partner States or with foreign countries by peaceful means.
3. The Community may, in consultation with the United Nations Security Council and the Peace and Security Council of the African Union, offer to mediate in disputes or conflicts within and between two or more Partner States or with foreign countries.

ARTICLE 5 - Prevention of Genocide

1. The Partner States undertake to cooperate in the prevention of genocide within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) prevent any act intended to destroy, in whole or in part, a national, ethnic, racial or religious group; and
 - (b) develop a joint mechanism for the prevention of genocide and take appropriate measures against the perpetrators.

ARTICLE 6 - Combating Terrorism

1. The Partner States agree to cooperate in counter terrorism measures within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate strategies and mechanisms for the operationalisation of counter-terrorism measures;
 - (b) jointly formulate strategies and mechanisms to combat terrorism;
 - (c) jointly formulate strategies on how to conduct joint operations; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

ARTICLE 7 - Combating and Suppressing Piracy

1. The Partner States agree to cooperate in combating piracy in the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate mechanisms for the operationalisation of anti piracy measures; and
 - (b) jointly formulate mechanisms to fight piracy;
 - (c) jointly develop strategies on how to fight and suppress piracy; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

ARTICLE 8 - Peace Support Operations

1. The Partner States shall formulate a joint mechanism for the operationalisation of peace support operations within the context of the Charter of the United Nations, the Constitutive Act of the African Union and the Treaty.
2. The Partner States shall conduct peace support operations within the Community under a conflict prevention, management and resolution framework.

ARTICLE 9 - Disaster Risk Reduction, Management and Crisis Response

1. The Partner States shall develop mechanisms to provide mutual assistance in disaster management and crisis response
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) develop and early warning and response system for common disasters within the Community;
 - (b) establish the database for disaster management; and
 - (c) develop capacity to manage disaster situations.

ARTICLE 10 - Management of Refugees

1. The Partner States undertake to establish common mechanisms for the management of refugees.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) harmonize their policies, laws, strategies and programmes on the management of refugees;
 - (b) incorporate the provisions of the 1951 UN Convention on Refugees and 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa in their national legislation;
 - (c) establish and harmonise asylum procedures;
 - (d) network and share information regarding asylum seekers and refugees;
 - (e) institute mechanisms to facilitate family re-union;
 - (f) establish systems for agencies involved with refugees within the Community to share views and exchange experiences; and
 - (g) develop joint training modules for stakeholders in refugee management.

ARTICLE 11 - Control of Proliferation of Illicit Small Arms and Light Weapons

The Partner States undertake to jointly develop policies, measures, mechanisms, strategies and programmes, to control the proliferation of illicit small arms and light weapons.

ARTICLE 12 - Combating Transnational and Cross Border Crimes

1. The Partner States shall undertake joint operations in controlling and preventing transnational and cross-border crimes including:
 - (a) the theft of motor vehicles;
 - (b) the smuggling of goods;
 - (c) illicit drug trafficking;
 - (d) human trafficking;
 - (e) illegal migration;
 - (f) trade in counterfeit goods;
 - (g) intellectual property piracy; and
 - (h) any other transnational and cross – border crimes.

2. For purposes of paragraph 1, the Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat cross-border crimes including:
 - (a) the establishment of regional databases on cross-border crimes;
 - (b) the enhancement of technical capacity for criminal intelligence;
 - (c) the enhancement of the exchange of criminal intelligence and other security information between the Partner States central criminal intelligence information centres;
 - (d) the strengthening of cross border security;
 - (e) the training of personnel and sharing information on the *modus operandi* being used by criminals;
 - (f) the enactment of laws on mutual legal assistance in criminal matters; and
 - (g) the establishment of cross border and inter state communication.

ARTICLE 13 - Preventing and Combating Cattle Rustling

1. The Partner States that do not have policies and laws to prevent and combat cattle rustling agree to develop and adopt policies, law and strategies to achieve this.
2. The Partner States agree to harmonise their policies, laws and strategies to prevent and combat cattle rustling.

ARTICLE 14 - Cooperation in the Exchange, Detention, Custody and Rehabilitation of Prisoners and Offenders

1. The Partner States agree to cooperation in the exchange, custody and rehabilitation of prisoners and offenders.
2. For purposes of Paragraph 1, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) the governance and management frameworks of prisons and correctional services;
 - (b) penal reform agenda; and
 - (c) research, data collection, information exchange and the enhancement of regional standards, policies and practices.
3. The Partner States agree to harmonise their training programmes and practices in relation to the management of penal and rehabilitation institutions.

ARTICLE 15 - Institutional Arrangements

The Council shall determine the institutional arrangements for the implementation of this Protocol.

ARTICLE 16 - Relationship with Regional and International Organisations

The Partner States shall foster cooperation with regional and international organizations whose activities have a bearing on the objectives of this Protocol.

ARTICLE 17 - Confidentiality of Information

1. The Partner States undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Community, other than to their own officials to whom such disclosure is essential for purposes of giving effect to this Protocol or any directive taken by the Summit.
2. Partner States shall ensure that the officials referred to in this Article shall at all times maintain strict secrecy.
3. Partner States further undertake not to use any classified information obtained during any multilateral co-operation between and or among them to the detriment of any Partner State.
4. A Partner State shall remain bound by the requirement of confidentiality under this Article even after withdrawal and expulsion from the Community.

ARTICLE 18 - 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 19 - Amendment of the Protocol

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

ARTICLE 20 - Entry into Force

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

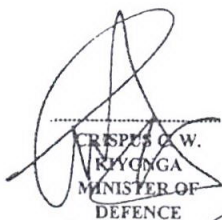
ARTICLE 21 - Depository and Registration

1. The original text of this protocol shall be deposited with the Secretary General who shall transmit certified true copies thereof to all Partner States.
2. The Secretary General shall register this protocol with the African Union, United Nations and such other organisation as the Council may determine.

DONE at Dar es Salaam Tanzania this15th....., day of February, 2013.

IN WITNESS WHEREOF the undersigned have appended their signatures hereto:

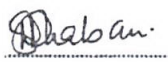
For and on behalf of the
Republic of Uganda


CRISPUS W.
KYUNGA
MINISTER OF
DEFENCE

For and on behalf of the
Republic of Burundi

C P P GABRIEL
NIZIGAMA
MINISTER FOR
PUBLIC SECURITY

For and on behalf of the
Republic of Kenya


HON. DR NAOMI
SHAABAN
MINISTER FOR
GENDER,
CHILDREN AND
SOCIAL
DEVELOPMENT

For and on behalf of
the United Republic of
Tanzania


BERNARD
KAMILLIUS MEMBE
MINISTER OF
FOREIGN AFFAIRS

For and on behalf of the
Republic of Rwanda


SHEIKH MUSA FAZIR
HARERIMANA
MINISTER OF
INTERNAL
SECURITY