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CONTENTS

	<i>Legal Notice</i>	<i>Page</i>
• Decisions of the Council of 18 March 2008
• Human Resource and Administration Decisions
• Decisions on Institutional Matters
• Decisions on Finance Matters
• Decisions on World Association of Investment Promotion Agencies
• Communiqué of the 9 th EAC Ordinary Summit in Kigali, Rwanda
• Statement by the EAC Heads of State on the Global Food Crisis
• Decisions of the Council of 13 September 2008
• Finance, Human Resource and Administration Decisions

LEGAL NOTICE NO. EAC/0000/2008

DECISIONS OF THE COUNCIL OF MINISTERS

At its 15th Ordinary Meeting held on 17-18 March 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Decisions/Directives: -

S/N	Area of Co-operation	Decision/Directive
1.	Implementation of previous Council Decisions	The Council: (a) took note of the status of Implementation of its Previous Decisions as of January 2008; (b) requested the Partner States to submit the comments on the draft criteria and procedure for the Establishment of EAC Institutions to the Secretariat by 30 April, 2008; (c) directed the Secretariat to avail the topics for the EAC Essay Competition to the Partner States by 31 March, 2008.
2.	EAC/SADC/COMESA Tripartite Summit	The Council: (a) took note of the proposed EAC/SADC/COMESA Tripartite Summit to consider issues of strategic importance to the integration of the eastern and southern Africa region both regionally and globally, including infrastructure development, trade, peace and security and investments in energy; (b) further noted that the EAC Secretariat had nominated Mr. Philip W. Wambugu, Director of Planning and Infrastructure; Mr. Kenneth Bagamuhunda, Director of Customs; Dr. Flora Musonda, Director of Trade; and Mr. Joseph Birungi, Principal International Relations Officer to represent the EAC in the Tripartite Summit Preparatory Group; (c) requested the Summit to pronounce itself on the need for the Tripartite Summit of SADC, COMESA and EAC; (d) directed the Secretariat to consult COMESA and SADC on the most appropriate date for the proposed Tripartite Summit; (e) directed the Secretariat to consult and get inputs from the Partner States in the development of technical papers for the proposed Tripartite Summit.
3.	Legal and Judicial Affairs	The Council adopted the decisions of the Sectoral Council on Legal and Judicial Affairs taken at its 3 rd Meeting held at

		Neptune Pwani Beach Resort, Zanzibar, on 9 November, 2007 and those of the Extraordinary Meeting held in Arusha on 17 March, 2008.
4.	The Community Emblems Act, 2004	The Council adopted The Community Emblems (Amendment) Bill, 2008 for submission to the East African Legislative Assembly.
5.	Sectoral Committee for Public Service Management	The Council referred the proposal to establish a Sectoral Committee for Public Service Management to the Sectoral Council on Legal and Judicial Affairs for consideration.
6.	Contact and Outreach Activities	The Council: <ul style="list-style-type: none"> (a) noted the activities undertaken to promote the East African Community during the period under review; (b) directed the Secretariat to convene an Extraordinary Meeting of the Council to review progress in the implementation of its previous decisions.
7.	Monetary Affairs	The Council: <ul style="list-style-type: none"> (a) directed the Secretariat to expedite the signing of the Communiqué of the 6th Extraordinary Summit in order to accord the Summit decisions including those on the Monetary Union , legal effect; (b) subject to the signing of the Communiqué:- <ul style="list-style-type: none"> (i) approved the terms of reference for a comprehensive study on the proposed EAC Monetary Union; (ii) approved the budget of US\$ 899,500 and the activities indicated therein for the comprehensive study on the proposed EAC Monetary Union; (iii) urged the Partner States to contribute US\$ 500,000 to enable the Secretariat to commission the study.
8.	Health	The Council: <ul style="list-style-type: none"> (a) adopted the decisions of the EAC Sectoral Council on Cooperation on Health taken at its 2nd Meeting held on 24 to 27 September 2007 in Arusha, Tanzania; (b) referred decisions that have financial implications to the Finance and Administration Committee for appropriate action; (c) referred the proposed amendment of

		<p>Article 118 of the Treaty to the High Level Task Force on the Amendment of the Treaty for the Establishment of the East African Community;</p> <p>(d) referred the “Regional Strategic Plan on Sexual and Reproductive Health and Rights in East Africa 2008 – 2013” to the Sectoral Council on Health for review in order to obviate the promotion of homosexuality and other undesirable sexual practices.</p>
9.	Labour and Employment	<p>The Council:</p> <p>(a) adopted the recommendations taken at the 2nd Meeting of the Ministers responsible for Labour and Employment that was held on 9 -12 October 2007;</p> <p>(b) noted the request to establish a Sectoral Council on the Facilitation of Movement of Persons, Immigration, Labour/Employment and Refugee Management which will be processed in accordance with the EAC Criteria on the Establishment of Sectoral Councils;</p> <p>(c) directed the EAC Secretariat to refer the request in (b) above to the Finance and Administration Committee and the Sectoral Council on Legal and Judicial Affairs for consideration;</p> <p>(d) directed the EAC Secretariat to extend the Study on harmonization of the Labour Legislation and Employment policies to the Republics of Rwanda and Burundi;</p> <p>(e) directed the EAC Secretariat in consultation with the Partner States to develop a model Employment Policy and a model Labour Legislation for East Africa;</p> <p>(f) referred the budget proposal of US\$ 15 million for conducting the Regional Manpower Survey to the Finance and Administration Committee for review and recommendation;</p>

		<ul style="list-style-type: none"> (g) urged the Partner States to commit themselves to finance at least 20% of the total National Manpower Survey budget and to initiate the necessary processes to integrate the manpower survey budget request within their 2008/2009 budget proposals; (h) directed the EAC Secretariat in consultation with Partner States to formulate a Data Accessibility Policy at regional level to enable third parties access to data without infringing the right to confidentiality of the respondents; (i) directed the Secretariat to facilitate the Partner States to undertake manpower surveys as soon as possible; (j) directed the EAC Secretariat in collaboration with the ILO, and in consultation with social partners in the Partner States to develop a Regional Decent Work Programme based on the three identified priorities by April 2008; (k) directed the EAC Secretariat to organize the Extra-ordinary Summit on Employment Creation and Poverty Reduction at an appropriate date; (l) urged Partner States to establish fully fledged Ministries responsible for labour and employment;
10.	Education, Culture and Sports	<p>The Council:</p> <ul style="list-style-type: none"> (a) adopted the decisions of the Sectoral Council on Education, Culture and Sports taken at its 4th Meeting held on 12 – 15 November 2007; (b) directed the Secretariat to implement outstanding decisions on current status of the Community's surviving Centres of Excellence and those which had already been approved by the Council but were awaiting development of the criteria for Establishing Centres of Excellence; (c) referred decisions that have financial implications to the Finance and Administration Committee for appropriate action;

		(d) referred decisions that have legal implications to the Sectoral Council on Legal and Judicial Affairs for consideration.
11.	EAC Common Market Protocol	<p>The Council adopted:</p> <p>(a) the Terms of Reference for the High Level Task Force (HLTF) on negotiations on the EAC Common Market Protocol;</p> <p>(b) the Programme of Work for the HLTF. In line with that Programme, the next meeting of the HLTF was scheduled to be held in Kigali, Rwanda, from 14 to 22 April, 2008;</p> <p>(c) directed the Secretariat to include representatives of the transport and infrastructure sectors in the composition of the High Level Task Force.</p>
12.	National consultations on EAC Political Federation in Rwanda and Burundi	<p>The Council:</p> <p>(a) noted launching of national consultations on EAC Political Federation in the Republic of Rwanda and the Republic of Burundi;</p> <p>(b) urged the Republic of Rwanda and the Republic of Burundi to accord the National Committees necessary facilitation to conduct the national consultations on EAC Political Federation within the scheduled period of Four Months.</p>
13.	Promotion and Protection of Human Rights	<p>The Council:</p> <p>(a) urged the Partner States to establish mechanisms, through which National Parliaments receive, consider and debate annual reports from National Human Rights Commissions as well as ensuring that recommendations therein are acted upon;</p> <p>(b) urged the National Human Rights Commissions to explore ways of engaging with various committees of National Parliament on human rights issues;</p> <p>(c) urged the National Commission for Human Rights of Rwanda and the Vice Ministry of Human Rights of Burundi to examine their Constitutions with a view to have a complete status of all Partner States' Bills of Rights;</p> <p>(d) urged the National Human Rights Commissions of Kenya, Uganda and Tanzania to review their reports on the Bills of Rights referred to in (c) above for quality assurance and report together with the Republics of Rwanda and Burundi at the next meeting of the Heads of Human Rights</p>

		<p>Commissions;</p> <p>(e) directed the Secretariat to convene a meeting of the Heads of Human Rights Commissions to examine the Partner States’ Bills of Rights and develop a draft EAC Bill of Rights for consideration by the Council;</p> <p>(f) directed the Secretariat to develop projects that geared at strengthening the legal framework and independence of the National Human Rights Commissions and human rights institutions including:-</p> <ul style="list-style-type: none"> (i) training for actors involved in the promotion and protection of human rights including judges, Electoral Commissions, policy makers / implementers, legislators and civil society; (ii) development of training manuals/ guidelines for human rights actors and agencies; (iii) development of best practices guidelines to integrate human rights in national and regional policies and programmes; (iv) the setting up of a mechanism for Partner States to report on progress made on the promotion and protection of human rights; (v) development of a mechanism of liaison with other regional and international organizations and civil society. <p>(g) directed that bi-annual meetings of Heads of National Human Rights Commissions be included in EAC structure of exchange of views, experiences and share progress on human rights programmes at national level;</p> <p>(h) urged Partner States to set up mechanisms for the development of National Action Plans on promotion and protection of human rights and thereafter, harmonize them; and</p> <p>(i) directed the EAC Secretariat to follow up with Partner States on the status of ratification and domestication of these instruments with a view to encouraging the Partner States’ to ratify and domesticate them.</p>
14.	EAC Plan of Action on Human Rights	<p>The Council:</p> <p>(a) adopted the EAC Plan of Action on Promotion and</p>

		<p>Protection of Human Rights in East Africa;</p> <p>(b) directed the Secretariat to incorporate meetings of Heads of National Human Rights Commissions on the EAC Calendar of Activities;</p> <p>(c) directed the Secretariat to include implementation of the EAC Plan of Action on Promotion and Protection of Human Rights in its annual budget and / or seek for alternative support to implement it; and</p> <p>(d) urged the Partner States' Ministries responsible for human rights to include implementation of EAC Plan of action in their annual budgets.</p>
15.	Good Governance and Anti-Corruption	<p>The Council:</p> <p>(a) decided that a comprehensive regional framework on good governance should include democracy and rule of law; anti-corruption, ethics and integrity; social justice and equal opportunities; human rights and gender equality as provided for in Article 6 (d) of the Treaty for the Establishment of the East African Community;</p> <p>(b) directed the Secretariat to convene consultative meetings of the relevant sectors in (a) above to discuss with them on the agreeable and comprehensive regional framework on good governance for the East African Community.</p>
16.	Anti-corruption, Ethics and Integrity	<p>The Council:</p> <p>(a) directed the Secretariat to commence the process of developing a code of ethics and integrity for the Community, its Organs and Institutions;</p> <p>(b) directed the Secretariat to convene a meeting of the Heads of National-Anti Corruption Authorities and other relevant sectors to consider the First Draft Protocol/framework on Anti-Corruption, Ethics and Integrity for presentation to the Council at its next Meeting;</p> <p>(c) established a Sectoral Committee on Anti-Corruption, Ethics and Integrity to articulate policy and operational issues related to the sector.</p>
17.	Foreign Policy Coordination	<p>The Council:</p> <p>(a) established a Sectoral Council on Foreign Policy Coordination to comprise Ministers responsible for Foreign Affairs and any other Ministers that may be deemed necessary from time to time depending on</p>

		<p>the issues to be discussed;</p> <p>(b) directed the Secretariat to consider organizing Meetings of Ministers Responsible for Foreign Affairs on the margins of other meetings where feasible.</p>
18.	Candidatures for International Jobs	<p>The Council:</p> <p>(a) Noted the meeting of the Ministers Responsible for Foreign Affairs held on 28 January 2008 in Addis Ababa on the margins of the AU Assembly, which among others considered, candidatures for international jobs, including those for AU Commission, COMESA and UN positions;</p> <p>(b) adopted the candidatures recommended by the Ministers Responsible for Foreign Affairs;</p> <p>(c) urged Partner States to support the candidature of Mrs. Rhoda Peace Tumusiime for the post of Commissioner, Agriculture Rural Economy of the African Union Commission;</p> <p>(d) urged the Partner States to support the candidature of Uganda as a non permanent member of the UN security Council 2009/2010; and</p> <p>(e) urged the Partner States to support the candidature of Hon. Mr. Justice Mohammed Othman Chande for appointment for the judge of the Special Tribunal for Lebanon.</p>
19.	Implementation of EAC Customs Union	<p>The Council:</p> <p>(a) urged the Partner States to ensure that respective national authorities and agencies regularly instruct their officials in operations to promptly implement decisions and directives made by the Council on matters of Customs;</p> <p>(b) directed the Secretariat to convene a meeting of the Partner States' Crop Protection Inspection Services to harmonize their laws and procedures and enable mutual recognition of each other's certification in order to remove the Technical Barriers to Trade arising from the</p>

		Sanitary and Phytosanitary requirements subjected to intra-EAC trade.
20.	Trade Matters	<p>The Council:</p> <ul style="list-style-type: none"> (a) took note of the progress in the implementation of the various projects and programmes under the Directorate of Trade; (b) noted that the EAC Partner States initialed a framework Economic Partnership Agreement on 27 November, 2007; (c) Provided for the EPA Negotiations in the Budget for the financial year 2008 / 2009; (d) directed the Secretariat to notify the ESA and SADC configuration that EAC and EU undertook under the framework agreement to continue negotiations with a view of concluding a comprehensive EPA not later than 31st July, 2009; (e) noted that under the Inter-Regional Coordinating Committee (IRCC), the EAC, IOC, COMESA, SADC and IGAD agreed on a mechanism for coordination and harmonization of negotiating positions of common interest among the negotiating blocs in the region under EPAs.

LEGAL NOTICE NO. EAC/????/2008

HUMAN RESOURCE AND ADMINISTRATION DECISIONS

At its 15th Ordinary Meeting held on 17-18 March 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Human Resource and Administration Decisions/Directives: -

1. Recruitment of Professional Staff

The Council of Ministers:

(a) Appointed the following persons into the service of the Community:

NAME	POSITION/GRADE	COUNTRY
Col. Tirumanywa. P. Magere	EAC/AU Liaison Officer (P5)	Tanzania
Eng. Hosea Nyangweso	Principal Civil Engineer (P3)	Kenya
Eng. Bernard Ocan	Technical Assistant (P2)	Uganda
Eng. Barakael A.J. Mmari	Technical Assistant (P2)	Tanzania
Mr. Matthew Nderi Nduma	Principal Legal Officer (P3)	Kenya
Mr. Anthony Luyirika Kafumbe	Principal Legal Officer (P3)	Uganda
Ms. Rehema Joseph Kerefu	Senior Legal Officer (P2)	Tanzania

Mr. Paul Cyril Masami	Clerk Assistant (P1)	Tanzania
Mr. William Kassait Kamket	Hansard Reporter (P1)	Kenya
Mr. Ezekiel N. Migosi	Assistant Sergeant At Arms (P1)	Kenya
Mr. Bernard Luttashaba	Security Officer (P1)	Tanzania

(b) Took note that the appointments of the two Technical Assistants (Eng. Bernard Ocan and Eng. Barakael A.J. Mmari) is subject to a no objection from the African Development Bank who are the funders of the project.

2. Recruitment for Positions reserved for Rwanda and Burundi

The Council:

(c) Appointed the following twenty (20) persons from the Republics of Burundi and Rwanda into the service of the Community;

NAME	POSITION/GRADE	COUNTRY
Mr. Stephen Agaba	Principal Legal Officer (P4)	Rwanda
Ms. Geraldine Umugwaneza	Deputy Registrar/EACJ (P4)	Rwanda
Ms. Perpetue Miganda	Principal Gender & Community Development Officer (P3)	Burundi
Ms. Wivine Ntamubano	Principal Environment and Natural Resources Officer (P3)	Burundi
Mr. Tharcisse Kadede	Principal Economist (F & M) (P3)	Burundi
Ms. Odeth Bateta	Principal Administrative Officer/LVBC (P3)	Rwanda
Mr. Juvenal Ndimurirwo	Principal Accountant (P3)	Burundi
Ms. Emannuella Hakizimana	Senior Export Promotion Officer (P2)	Burundi
Mr. Jean-Guy K. Afrika	Senior Trade Officer (P2)	Rwanda
Mr. Symplice Tumwiine	Senior Administrative Officer/ EALA (P2)	Rwanda
Mr. Stephen Mugume	Senior Clerk Assistant/EALA (P2)	Rwanda
Ms. Beatrice Ndayizeye	Senior Clerk Assistant/EALA (P2)	Burundi
Mr. Lazare Gaceke	Post of Human Resources Officer/LVBC (P1)	Burundi
Mr. Jackson Muhirwe	Information Technology Officer/LVBC (P1)	Rwanda
Mr. Pierre Claver Nzimpora	Librarian/EACJ (P1)	Burundi
Mr. Michel Ndayikengurukiye	Research Officer/EACJ (P1)	Burundi
Mr. Enock Musiime	Post of Research Officer/EALA (P1)	Rwanda
Ms. Loice Ampaire	Hansard Reporter/EALA (P1)	Rwanda

Mr. Evariste Habimana	Internal Auditor (P1)	Rwanda
Mr. Deo Mbuto	Legal Officer/LVBC (P1)	Rwanda

(d) Noted that EALA's request for a trade-off of the position of Senior Administrative Officer for the position of Senior Clerk Assistant was not procedural and therefore direct EALA to seek for additional position of Senior Clerk Assistant through the laid down procedures;

(e) directed the Secretariat to re-advertise and fill the position of Senior Transport Economist with a candidate from the Republic of Burundi or the Republic of Rwanda within two months; should such a candidate not be found, the post will be opened up to candidates from all the EAC Partner States within the framework of EAC's recruitment policy.

3. Accommodating Rwanda and Burundi at Executive and Senior Management Levels in the EAC Organs and Institutions

The Council:

(f) Directed the Secretariat to submit proposals below to the Partner States for their comments: That

- (i) All Executive positions be subjected to a competitive recruitment process like in the case of SADC and COMESA for a fixed contract term of five (5) years, while at the same time, maintaining the Principle of Equitable Distribution of the posts amongst the Partner States;
- (ii) Article 68(4) of the Treaty which provides for the Deputy Secretaries General a term of three (3) years renewable once, be amended to provide for a one fixed 5 year contract in line with (a);
- (iii) The Secretariat be mandated to undertake an internal rationalization of the existing EAC structure, as a matter of urgency to align and rationalize them into coherent clusters related to various programmes, projects and activities in EAC

(g) Decided that this matter will be considered at the next Meeting of the Council.

4. Terms and Conditions of Service for Judges of the EACJ

The Council:

(h) Noted the proposal giving three options on terms and conditions of service of the Judges of EACJ for consideration and recall the Council decision that approved the adjustment of the allowances of the Judges in the Financial Year 2007 / 08;

(i) Decided that since the EACJ Judges serve on an *ad hoc* basis and are entitled to gratuity at the end of their tenures, the current arrangement for paying them allowances should be maintained.

Human Resource and Administration Matters

The Council:

(j) Noted that the proposed changes in the titles/structure in the Directorates of Human Resources & Administration and Customs are acceptable in principle and do not have any financial implications on the budget;

(k) Approved the implementation of the proposed changes on departmental titles and re-designation of functional positions for the Directorate of Customs;

(l) deferred the implementation of the proposed changes for the Secretarial Staff and directed the Secretariat to present this case during the next Council Meeting after a proper analysis of these positions have been done.

1. Confirmation of Staff on Employment

The Council:

(m) Confirmed the following professional staff in their respective appointments with effect from their due dates of appointment:

NAME	POSITION/GRADE	ORGAN/INST.	EFFECTIVE DATE OF CONFIRMATION
Mr. Gerson Fumbuka	Maritime Safety Officer (P3)	LVBC	1 st Jan. 2007
Mr. Ali Said Matano	Projects Development Officer (P3)	LVBC	24 th Jan. 2007
Mrs. Evelyn Odula	Accountant (P1)	LVBC	1 st Feb. 2007
Mr. Alex Obatre Lumumba	Senior Clerk Assistant (P2)	EALA	1st Aug. 2007
Mr. Joseph Anyula Malesi	Accountant (P1)	EALA	1st Aug. 2007

2. Renewal of Contract of Ms. Gloria Esiku-Nakebu

The Council:

(n) Renewed the contract of Ms. Gloria Esiku-Nakebu, Senior Hansard Editor (P2)/EALA for a period of five (5) years with effect from 18th May 2008.

3. Review of Official Working Hours

The Council:

(o) Deferred consideration of the Secretariat's proposals to change working hours in order to allow time for consultations among the Partner States;

(p) Directed the Secretariat to present the proposal at the next Meeting of the Council.

4. EALA on upgrading positions of CTC, Registrar/EACJ and Clerk/EALA

The Council:

- (q) Noted that this request amounts to the review of the current structure, which is contrary to the 5th Summit's directive against reviewing the structure of EAC;
- (r) Deferred any developments aimed at upgrading any positions within the current structure until a review is conducted across the board through an objective job evaluation exercise;
- (s) Directed the Secretariat to undertake such a review and submit a Report.

LEGAL NOTICE NO. EAC/????/2008

INSTITUTIONAL MATTERS

At its 15th Ordinary Meeting held on 17-18 March 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Decisions/Directives in regard to Institutional Matters: -

1. Establishment of the Directorate of Peace and Security

The Council directed that:

- (a) the Finance and Administration Committee revisits this matter, with due regard to the financial and the current EAC structure considerations;
- (b) the Multi-Sectoral Working Group on cross-cutting matters of Peace and Security and Defence should participate in the Meetings of the Finance and Administration Committee to provide additional technical advice.

2. Expanded EALA on Admission of Burundi and Rwanda

The Council -

- (a) noted that the request to upgrade some posts to support the expanded EALA on admission of Rwanda and Burundi amounts to the review of the current structure, which is contrary to the 5th Summit's directive against reviewing the structure of EAC;
- (b) deferred any developments aimed at upgrading any positions within the current structure until a review is conducted across the board through an objective job evaluation exercise.

3. Peace and Security

The Council deferred consideration of the harmonization of interstate security and interstate defence matters until the finalization of the Protocol on Peace and Security and the structure of the Directorate of Peace and Security.

4. Establishment of a Sectoral Council on Interstate Security

The Council established a Sectoral Council on Interstate Security composed of Ministers responsible for Home/Internal Affairs, Security/ Intelligence, Public Safety and Security, Disaster Management and other relevant sectors.

5. AU / EAC Capacity Building Project

The Council:

- (a) Noted that the recruitment process of 3 technical Officers (Expert on Conflict Early Warning- P3, Expert on Peace and Security - P3 and Officer on Peace and Security- P2) was initiated without prior approval of the Council as required by the procedures of the Community;
- (b) approved the recruitment of the three Technical Officers;
- (c) directed the Secretariat to re-advertise the three posts for a further period of two weeks.

6. Residence of the Speaker/EALA

The Council upheld its decision on this matter made during the 14th Ordinary Meeting of the Council held in Arusha on 28th September, 2007.

7. Mileage Allowance

The Council:

- (a) deferred considering the matter of increasing mileage allowance for EALA members until the EAC Secretariat presents a proposal which is all inclusive, giving quantitative analysis, detailing a survey of prevailing rates and the possible financial implications on the EAC budget;
- (b) directed the Secretariat to present the matter at the next Meeting of the Council.

8. Office Accommodation for Members of EALA

The Council approved the:

- (a) provision of office accommodation to Members of EALA (15 Offices);
- (b) purchase 15 computers, 15 printers and 15 computer tables and 136 chairs;
- (c) expansion of the EALA Library;
- (d) directed that the above requirements be provided within the budgetary provisions for 2008 / 2009.

9. Recruitment of additional staff to serve the expanded Membership and Activities of East African Community

The Council:

- (a) deferred the recruitment of the following professional staff: **EALA**:- Deputy Clerk (1 Post- P4) and Network Administrator (1 Post-P2); **EACJ**:- Court Recorder/ Transcriber (1 Post-P1), and **LVBC**:- Senior Accountant (1 Post-P2) and Internal Auditor (1 Post-P1), pending the finalization of the Road Map for integration of the Republic of Burundi and the Republic of Rwanda into the Community;

- (b) directed the Secretariat to present the said Road Map to the Council within the next two months;
- (c) reiterated its earlier decision that recruitment of General Staff is the responsibility of the Secretary General and not the Council;
- (d) directed the Secretariat to expedite the finalization of the draft Protocol on Immunities and Privileges; and the Employment Policy; and present them to the Council by 1st June, 2008.

LEGAL NOTICE NO. EAC/????/2008

FINANCE MATTERS

At its 15th Ordinary Meeting held on 17-18 March 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Decisions/Directives on Finance Matters: -

1. Approval of EAC Budget Estimates for the FY 2008/09

The Council:

- (a) approved the budget of the East African Community amounting to US \$ 30,561,232. The budget is to be funded by equal contributions from Partner States amounting to US \$ 23,418,936, Development Partners' contribution totaling US \$ 6,329,590, Revenue Float totaling US \$ 662,180 and other income totaling US \$ 150,526.
- (b) considered an additional budget of US\$ 700,000 to cater for the 4 priority and key activities i.e. Common Market: US\$ 150,000; Monetary Union: US\$ 150,000; Economic Partnership Agreement (EPA): US\$ 250,000; and Industrial and Investment Strategy: US\$ 150,000);
- (c) referred the EAC Budget Estimates for the year 2008/2009 to the East African Legislative Assembly for approval.

2. Request for re-allocation

The Council:

- (a) approved re-allocation requested by the Secretariat for the financial year 2007/08;
- (b) granted retrospective approval for re-allocation for the financial year 2006/07 for the Secretariat and East African Legislative Assembly.

3. Reserve Fund "Revenue Float"

The Council directed that the issue of Reserve Fund/Revenue Float be referred back to the Finance and Administration Committee for further consideration and recommendation as appropriate.

4. Status of Partner States' Contributions

The Council:

- (a) commended the Republic of Uganda and The United Republic of Tanzania for complying with the decision made by the Council during their 15th Extra-ordinary Meeting which urged Partner States to effect their contributions during the first half of the Financial Year;
- (b) urged the Republic of Kenya, the Republic of Rwanda and the Republic Burundi to pay the outstanding contributions as soon as possible.

5. Opening and Closing of Bank Accounts

The Council approved:

- (a) the opening of a US \$ current account at the Barclays Bank, AICC Branch in Arusha, Tanzania;
- (b) the closure of the NBC Ltd account No. 0111005007080 at NBC Corporate Branch in Dar es Salaam, Tanzania.

6. Medium Term Expenditure Framework (MTEF)

The Council directed the Secretariat to comply with MTEF requirements in future.

LEGAL NOTICE NO. EAC/????/2008

ANNUAL REPORTS, ACTIVITIES OF EAC ORGANS AND INSTITUTIONS, AND OTHERS

At its 15th Ordinary Meeting held on 17-18 March 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community:

1. Annual Reports

- (a) adopted both the Annual Report of the East African Community for the period July 2006 to June 2007, and the Annual Report of the Council to the Summit for the period March 2007 to March 2008;

2. Activities of EALA

- (a) took note of the progress in the East African Legislative Assembly's activities undertaken during the period under review.

3. Activities of EACJ

- (a) took note of the progress in the East African Court of Justice's activities during the period under review.

4. Lake Victoria Basin Commission (LVBC)

(a) took note of the Report of the Lake Victoria Basin Commission for period under review.

5. Inter University Council for East Africa (IUCEA)

(a) took note of the Report of the Inter-University Council of East Africa for period under review.

(b) directed the EAC Institutions to always submit Reports on their activities in time and to present them at the Session of the Council's Meetings.

6. World Association of Investment Promotion Agencies

The Council:

(a) directed the Secretariat to present to the Sectoral Council on Trade, Industry, Finance and Investment a report on the UNCTAD 12th Meeting slated for Accra, Ghana, in April, 2008, with a view to harmonizing Partner States' positions;

(b) urged the Partner States to support and lobby for Tanzania's candidacy for the post of the Vice-Chair of the Association;

(c) directed that in view of the short time before the elections, strategic efforts be put in place to support the candidacy through the appropriate Ministries.

LEGAL NOTICE NO. EAC/????/2008

COMMUNIQUÉ OF THE 9TH ORDINARY SUMMIT OF EAC HEADS OF STATE

Theme: Addressing Infrastructure Challenges to Leverage the East African Market

The 9th Ordinary Summit of the East African Community Heads of State was held in a warm and cordial atmosphere at the Kigali Serena Hotel, Rwanda on 26 June 2008 and was attended by the following Heads of State:

- H.E. YOWERI KAGUTA MUSEVENI, PRESIDENT OF THE REPUBLIC OF UGANDA;
- H.E. MWAI KIBAKI, PRESIDENT OF THE REPUBLIC OF KENYA;
- H.E. JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA;
- H.E. PAUL KAGAME, PRESIDENT OF THE REPUBLIC OF RWANDA; AND
- H.E. PIERRE NKURUNZIZA, PRESIDENT OF THE REPUBLIC OF BURUNDI.

In attendance were the Rt. Hon. Prime Minister of Rwanda, Bernard Makuza, the Chairperson of the EAC Council of Ministers, Rt. Hon. Eriya Kategaya, the Secretary General of the East

African Community, Amb. Juma V. Mwapachu and the Counsel to the Community (CTC), Hon. Wilbert T.K. Kaahwa.

- 1.0 The Summit expressed gratitude to H.E Paul Kagame, President of the Republic of Rwanda, for hosting the 9th EAC Heads of State Summit and for the warm reception and hospitality accorded to them.
- 2.0 The Summit congratulated H.E Paul Kagame and the Government of the Republic of Rwanda for partnering with the East African Community, the Rwanda Investment and Export Promotion Agency and the East African Business Council in hosting the 1st East African Investment Conference. The Conference is historic and marks yet another milestone in deepening EAC regional integration.
- 3.0 The Summit unanimously elected H.E Paul Kagame, President of the Republic of Rwanda Chairperson of the EAC Summit. His tenure begins immediately at this Summit Meeting. The United Republic of Tanzania was elected Rapporteur. H.E. Paul Kagame graciously and with humility accepted the election and expressed his readiness to serve the EAC with a high level of commitment.
- 4.0 The Summit took note with satisfaction the emerging peaceful conditions in Burundi and expressed solidarity with the on-going peace process between the Government under the leadership of H.E Pierre Nkurunziza and the FNL-Palipehutu.
- 5.0 The Summit called upon all parties engaged in the peace process to stay the course to enable Burundi return to a state of security and stability, the best assurance for the country's reconstruction and development.
- 6.0 The Summit took note of the progress in the implementation of EAC integration programmes as outlined in the Report of the EAC Council of Ministers.

- 7.0 The Summit was briefed on the current financial position of the Republic of Burundi which flows from its economic condition. The Summit accepted Burundi's request to pay only USD 1.0 million as budget contribution for the two Financial Years 2007/08 and 2008/09. In this regard, the Summit decided that the shortfall in the contribution arising from Burundi's request shall be shared equally by the other four Partner States. The Summit further decided that the Secretariat should undertake a Study on other budget funding modalities which the Summit can examine and pronounce itself on.
- 8.0 The Summit appointed Judges of the East African Court of Justice as follows:
- 8.1 **Judges of the Appellate Division:**
1. Hon. Justice Joseph N. Mulenga (Uganda)
 2. Hon. Justice Harold R. Nsekela (Tanzania)
 3. Hon. Justice Philip K. Tunoi (Kenya)
 4. Hon. Justice Laurent Nzosaba (Burundi)
 5. Hon. Lady Justice Emilie R. Kayitesi Rusera (Rwanda)
- 8.2 **Judges of the First Instance Division:**
6. Hon. Justice John Mkwawa (Tanzania)
 7. Hon. Justice Jean Bosco Butasi (Burundi)
 8. Hon. Justice Johnston Busingye (Rwanda)
- 8.3 The Summit took cognizance of the fact that Hon. Justice Kassanga Mulwa (Kenya) and Hon. Lady Justice Mary Stella Arach-Amoko (Uganda) who are currently serving the Court will be Judges of the First Instance Division.
- 9.0 The Summit designated Justice Joseph N. Mulenga and Justice Harold R. Nsekela, President and Vice President of the Court respectively. The Summit also designated Justice Kassanga Mulwa and Justice Johnston Busingye, Principal Judge and Deputy Principal Judge respectively.
- 10.0 The Summit considered the Budget requirements for enabling the EAC Military Field Training Exercises to take place during the Financial Year 2008/09. The Summit welcomed the idea of the East African Community undertaking Military Field Exercises being an important factor in EAC's integration. However, the Summit needed time to

reflect on the matter and thus decided that the Exercises be postponed until the next Financial Year 2009/2010.

- 11.0 The Summit decided that the time had come for the East African Community to put in place a housing policy geared at acquiring and/or constructing houses for all the key Community staff. The EAC should approach Banks and Financial Institutions as well as Social Security Funds with a view to structuring mortgage lending for effecting the housing policy. The Summit approved the proposal to avail the Speaker with a residence in Arusha in line with the recommendations made by the Sectoral Council of Ministers responsible for EAC Affairs that met in Kigali on 24th June 2008.
- 12.0 The Summit considered the proposal for the conclusion of a Trade and Investment Framework Agreement between the East African Community and the Government of the United States of America. The Summit directed that the Council of Ministers works closely with the Secretariat on the conclusion of the Agreement prior its signing at the AGOA Conference in mid July 2008.
- 13.0 The Summit reviewed the proposal on rotation of Executive Staff in the EAC. Concern was raised that the proposal did not respond to the directive of the Summit that a comprehensive road map on EAC's institutional development be charted out and that such road map informs the staffing of the EAC as well as the staff rotation programme. The Summit directed that the Secretariat reviews the proposal and improve it to fit the erstwhile Summit directive on the road map requirement.
- 14.0 The Summit was briefed on the proposal to hold a Tripartite Summit of EAC-COMESA-SADC in October 2008. The Summit endorsed the idea of the Summit and thanked H.E. President Yoweri Museveni for offering to host the Tripartite Summit in Kampala, Uganda.
- 15.0 The Summit took note of the difficulties faced by the EAC Secretariat in convening and facilitating sectoral meetings due to frequent lack of quorum. The Summit directed the Secretariat to review this quorum issue with a view to enabling the EAC to be more effective. The review proposal which should include proposals for the amendment of the Treaty for the Establishment of the East African Community and the Rules of

Procedure should be tabled before the next meeting of the Council of Ministers in September 2008.

- 16.0 The Summit reflected on the current global and regional food crisis, specifically on the high prices of food that threaten social stability in some parts of the world. In the case of the East African region, the urban populations are particularly vulnerable. The Summit observed that the East African region is capable of producing adequate food for consumption as well as for exports and other uses such as bio-fuel. In this light, the Summit is cognizant of the need to address those factors that contribute to the present low agricultural productivity. These factors include high prices of energy, fertilizers and pesticides; inadequate extension services; inefficient transportation systems; the lack of high yielding seed varieties and inadequate availability of affordable capital especially for small scale farmers. The Summit further observed that the current global food crisis presents huge and attractive opportunities to the EAC region given its endowment in large and fertile land. These opportunities should be optimally exploited through deepening the modernization of agricultural systems and support services in our region.
- 17.0 One of the immediate interventions considered by the Summit to boost agricultural productivity in the region is to exploit the available natural gas and phosphates in the region for production of fertilizers. The Summit decided that joint financing of fertilizer production in Tanzania and Uganda where these resources are adequately available should be undertaken as a priority EAC regional project under the framework of the Agricultural and Food Security Programme.
- 18.0 The leadership of the East African Business Council had audience with the Heads of State. They presented a Report incorporating several proposals on how the business environment in the EAC region can be improved. The Summit decided that it will examine the proposals and will deliberate on them at the next Summit.
- 19.0 The Summit addressed itself to the current global energy price crisis and took concern at the slow pace in the implementation of the East African Power Master Plan. The Summit underscored the need to expedite the implementation of the Power Master Plan in order to assure the region of adequate power supply.

20.0 The Summit expressed serious concern about the present political situation in Zimbabwe. The Summit was of the view that the election in Zimbabwe cannot be a solution under the prevailing circumstances. The Summit urged the ZANU/PF and the MDC leaders to come together and work out an amicable solution through dialogue in the interest of all Zimbabweans.

DONE AT KIGALI, THIS 27TH DAY OF JUNE 2008

.....
H.E. PAUL KAGAME PRESIDENT OF THE REPUBLIC OF RWANDA	H.E. JAKAYA MRISHO KIKWETE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA	H.E. YOWERI K. MUSEVENI PRESIDENT OF THE REPUBLIC OF UGANDA

.....
H.E. MWAI KIBAKI PRESIDENT OF THE REPUBLIC OF KENYA	H.E. PIERRE NKURUNZIZA PRESIDENT OF THE REPUBLIC OF BURUNDI

LEGAL NOTICE NO. EAC/????/2008

STATEMENT BY THEIR EXCELLENCIES THE EAC HEADS OF STATE ON THE GLOBAL FOOD CRISIS AT THE 9TH ORDINARY SUMMIT OF EAC HEADS OF STATE, KIGALI, RWANDA, 26TH JUNE 2008

Many parts of the world, developing countries in particular, are currently engulfed in a grave food crisis. Prices of basic foodstuffs - rice, milk, wheat, potatoes, maize and vegetables - which are staple requirements of our own people, are escalating beyond affordability. It is a situation that threatens the social stability of many countries, the developed included.

In recent years, some parts of the EAC region have experienced declining agricultural productivity caused largely by the vagaries of weather, high energy prices, and inefficient transportation systems. Further, low productivity in the food sector has been exacerbated by high prices of energy, inadequate provision of affordable financing as well as extension services, high prices of fertilizers and pesticides and low yielding seed varieties among others. The main producers of food crops, mainly the small scale farmers, have not been sufficiently empowered to produce at optimal levels. Climate change, coupled with the emergence of the bio-fuel phenomenon, aggravate the food crisis. In addition, the heavy subsidies given to European and US farmers undermine the incentives for our farmers to boost agricultural production.

The Summit recognizes the need to seriously address the problem of low productivity including effecting robust interventions in areas of policy, technology, capital and supportive infrastructure to boost agricultural development. This will entail a green revolution through the modernization of the region's agricultural systems. However, the Summit is seized of the fact that the food price crisis presents huge opportunities to our countries to bolster production, which would not only foster greater food security but also leverage exports.

The Summit directs the EAC Secretariat to liaise with the Food and Agricultural Organization, the African Union as well as the NEPAD food security programmes to develop a comprehensive policy response to this food crisis and urgently recommend concrete measures to be taken within the regional and national frameworks to boost agricultural production.

Urgent measures should be taken at national levels to cushion the vulnerable populations, especially those in the urban areas, from the impact of the high food prices.

EAC Summit of Heads of State
26 June 2008
Kigali, Rwanda

LEGAL NOTICE NO. EAC/????/2008

DECISIONS OF THE COUNCIL OF MINISTERS

At its 16th Ordinary Meeting held on 13 September 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Decisions/Directives: -

S/N	Area of Co-operation	Decision/Directive
1.	Implementation of previous Council Decisions	The Council took note of the status of Implementation of its Previous Decisions as of July 2008.
2.	Office of the Secretary General	The Council: (a) took note of the status of implementation of decisions made by the Council at its 15 th Meeting in respect of the Report of the Office of the Secretary General; (b) directed the Secretariat to establish an ad hoc Task Force of Experts to consider the draft Criteria and Procedures for the Establishment of EAC Institutions and to facilitate a meeting of this Task Force by 15 th October, 2008; (c) directed the Secretariat thereafter to submit the finalized Criteria and Procedures for the Establishment of EAC Institutions to the Sectoral Council of Ministers responsible for EAC Affairs for consideration at a meeting to be convened before the 7 th Extraordinary Summit of Heads of State; (d) directed the Secretariat to ensure timely signature of adopted Protocols during relevant Sectoral Council and Council meetings; (e) directed the Secretariat to set the timeline when the concluded and signed protocol should be ratified by the Partner States; (f) urged the Republic of Kenya, The United Republic of Tanzania and the Republic of Uganda to ratify all outstanding Protocols and deposit the instruments of ratification with the Secretary General by 31 st December, 2008.
3.	Legal and Judicial Affairs	The Council: (a) took note of the Reports of the 4 th and 5 th Meetings of the Sectoral Council on Legal and Judicial Affairs held respectively on 5 September 2008; (b) directed the Secretariat to avail the Ministries Responsible for East African Community Affairs with copies of Bills tabled before the East African Legislative Assembly; (c) established a Sectoral Committee on Public Service Management within the EAC institutional framework;

		(d) urged Partner States to expedite the ratification of all outstanding Protocols.
4.	Institutionalization of EABC in the EAC Framework	The Council directed that this matter be considered on the basis of the Criteria and Procedures for the Establishment of EAC Institutions once finalized and adopted.
5.	7th Extraordinary Summit	The Council considered and adopted the proposal to convene the 7 th Extraordinary Summit of the EAC Heads of State on 21 October, 2008.
6.	Collaborative arrangements with international organizations	The Council: (a) directed the Secretariat to formulate a mechanism for the way forward to promote effective collaborative arrangements with FAO, WFP and IFAD before the next Council Meeting; (b) directed the Secretariat to formulate a mechanism for the way forward for purposes of enhancing the Community's participation in collaborative programmes and activities with international organizations and development partners in the United Kingdom before the next Council Meeting.
7.	East African Investment Conference, London	The Council: (a) took note of the planned East African Investment Conference in London, UK, in November 2008; (b) directed the Secretariat to put in place ideal preparations for the East African Investment Conference; (c) directed the Secretariat to contact the Investment Authorities in the Partner States and interest them in this investment opportunity for their participation.
8.	Advisory opinion of EACJ on the principle of variable geometry;	The Council: (a) directed the Secretariat to seek an advisory opinion of the East African Court of Justice on the application of the principle of variable geometry; (b) directed the Secretariat to file a request for an advisory opinion on the application of the principle of variable Geometry in the East African Court of Justice by 31 st October, 2008; and (c) directed that the proposal for an advisory opinion on the Finance and Administration Committee be first studied by the Partner States taking into account the role currently played by the Finance and Administration Committee; thereafter the Council gives guidance on the way forward.
9.	Contact and Outreach Activities	The Council took note with appreciation the activities undertaken to promote the EAC for the Period of April to August, 2008.

10.	Monetary Affairs	<p>The Council:</p> <p>(a) considered and adopt the decisions of the Ministers of Finance on pre-budget consultations held in Nairobi, Kenya from 2 to 3 June 2008;</p> <p>(b) changed the name of the Capital Markets Development Committee (CMDC) to Capital Markets, Insurance and Pensions Committee (CMIPC) given its expanded mandate and membership;</p> <p>(c) directed the Secretariat to source for additional resources from Development Partners to execute the Monetary Union Study.</p>
11.	Infrastructure	<p>The Council:</p> <p>(a) took note of the Directives arising out of the 1st Strategic Retreat of the Heads of State on Regional Infrastructure Development which was held in Kigali Rwanda on 27 June 2008;</p> <p>(b) directed the Secretariat to urgently develop an implementation framework for the Heads of State Directives for consideration by the 6th Sectoral Council on Transport Communications and Meteorology (TCM) in November 2008;</p> <p>(c) postponed relocation of CASSOA to Entebbe until remodelling works are completed; and</p> <p>(d) urged the Republic of Uganda to expedite the re-modelling process and complete the work.</p>
12.	Education, Science, Technology, Culture and Sports	<p>The Council:</p> <p>(a) took note of the Decisions and approved the recommendations taken by the Sectoral Council on Education, Science and Technology, Culture and Sports at its 5th meeting held from 19 to 23 May, 2008;</p> <p>(b) referred all the Decisions that have financial implications to the Finance and Administration Committee for appropriate action.</p>
13.	Energy	<p>The Council: (a) took note of the Decisions taken at the 3rd Meeting of the Sectoral Council on Energy which was held on 25 April 2008;</p> <p>(b) took note of the decision of the 5th Meeting of the Sectoral Council on Transport Communications and Meteorology (TCM) and urged the Partner States to make provision for counterpart funding amounting to US\$ 130,000 for the Studies to be financed by the African Development Bank under the NEPAD- Infrastructure Project Preparatory Facility (NEPAD-IPPF) Special Fund;</p> <p>(c) referred decisions that have financial implications to the</p>

		Finance and Administration Committee for appropriate action.
14.	Agriculture	The Council directed the Secretariat to implement the decisions of the 9 th Summit of the EAC Heads of State on food crisis in the region.
15.	EAC Political Federation	The Council extended the period of national consultations on EAC Political Federation of the Republic of Rwanda and the Republic of Burundi for a further period of three (3) months to enable them complete the process.
16.	Regional Framework on Good Governance	The Council: (a) established the EAC Forum of Heads of Electoral Commissions; (b) established a Sub-Committee of experts; (c) directed the Secretariat that a study be commissioned to research on the cost of elections with a view to reducing costs. The study should be conducted by the Partner States experts while borrowing best practices from among other African countries; and (d) directed the Secretariat in consultation with the National Electoral Commissions to develop a project on capacity building and institutional development on democratization process in the region and present to the next Council meeting for adoption.
17.	Anti-Corruption, Ethics and Integrity	The Council: (a) took note of the Second Draft EAC Protocol on Preventing and Combating Corruption; (b) directed the Secretariat to convene national stakeholders consultations and thereafter, convene a regional stakeholders meeting to consider the views and comments expressed at national level for inputs on the Draft Protocol; (c) established a Sectoral Committee on Preventing and Combating Corruption to comprise of the following: - Heads of anti – corruption agencies, representatives from the Ministries responsible for anti-corruption, ethics and integrity, Ministries responsible for prosecution and investigation of corruption cases and any other relevant agency; (d) approved the proposed change of name of the Committee to the Sectoral Committee on Preventing and Combating Corruption; (e) established technical sub-committees on prevention, enforcement and asset recovery and forfeiture; and (f) urged the Partner States, in composing delegations to

		the Meetings of the Technical Sub- Committees when convened, to ensure representation by persons who are competent, knowledgeable and experienced in matters of preventing and combating corruption; (g) directed the Secretariat to include the Meetings on Preventing and combating corruption in the EAC Calendar of Activities and convene them regularly.
18.	Draft Protocol on Immunities and Privileges	The Council: (a) took note of the report of the meeting of the Sectoral Council on Foreign Policy Coordination held on 12 September 2008 in Arusha, Tanzania, which mainly considered progress made on the development of the Draft Protocol on Immunities and Privileges for the Organs and Institutions of the Community; (b) adopted the revised Draft Protocol on Immunities and Privileges for EAC Organs and Institutions; and (c) directed the Secretariat to transmit the revised Draft Protocol to the Government of the United Republic of Tanzania for consideration and adoption.
19.	Interstate Security	The Council: (a) directed the Secretariat to convene a joint meeting of the Sectoral Council on Defence, Sectoral Council on Foreign Policy Coordination and Interstate Security to consider further input on the Draft Protocol on Peace and Security by 31 October, 2008.
20.	Customs and Trade	The Council: (a) noted and adopted the report of the Sectoral Council on Trade, Industry, Finance and Investment which met on 9 -11 September, 2008 in Arusha, Tanzania; (b) adopted the decisions of the Sectoral Council on Trade, Industry, Finance and Investment taken at the said meeting.
21.		

LEGAL NOTICE NO. EAC/????/2008

FINANCE, HUMAN RESOURCE AND ADMINISTRATION DECISIONS

At its 16th Ordinary Meeting held on 13 September 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community made the following Finance, Human Resource and Administration Decisions/Directives: -

1. Recruitment of Professional Staff

The Council:

- (a) reviewed its earlier decision on the appointment of a Senior Administrative Officer (P2) for the East African Legislative Assembly (EALA);
- (b) approved the creation of a position of a Senior Clerk Assistant(P2) to replace the position of a Senior Administrative Officer (P2),
- (c) approved the recruitment of one (1) Senior Clerk Assistant (P2) position on a competitive basis under the 2008/2009 budget but reserve it for the Republics of Rwanda and Burundi only.

2. Recruitment of Deputy Executive Secretary/LVBC

The Council:

- (a) appointed Mr. Samuel G. Gichere to the position of Deputy Executive Secretary (LVBC);
- (b) noted that Mr. Samuel G. Gichere will serve for a period of nine (9) months to complete the remaining term of service reserved for a national from the Republic of Kenya with the option of a renewal for a period of three (3) years subject to his satisfactory performance of duties; and
- (c) directed the Secretariat to document clear procedures to guide future replacements of staff on similar rotational jobs to ensure standard practice across EAC Organs and Institutions.

3. Appointment of Professional Staff for the Secretariat

The Council appointed the following persons to the services of the EAC Secretariat in their respective Professional positions:

NAME	POSITION	GRADE	COUNTRY	GENDER
Angela Amudo	Project Accountant	P2	Uganda	Female
Robert Achieng	Senior Engineer/Planner	P2	Kenya	Male

4. Appointment of Peace and Security Expert, Conflict and Early Warning Expert and Peace and Security Officer

The Council appointed the following person to the services of the EAC on the terms of the AU/EAC Capacity Building Project:

NAME	POSITION	GRADE	COUNTRY	GENDER
Leonard M. Onyonyi	Peace and Security Expert	P3	Kenya	Male
Benoit Bihmiriza	Conflict and Early Warning Expert	P3	Burundi	Male
Didacus B. Kaguta	Peace and Security Officer	P2	Uganda	Male

5. Directorate of Peace and Security

The Council noted that the Structure and Budget for the establishment of the Directorate of Peace and Security will be finalized after the joint meeting of the Sectoral Councils of Interstate Security, Defence and Foreign Affairs scheduled for October 31, 2008.

6. Additional staff to service the expanded mandate of the EAC

The Council:

(a) approved the unfreezing of the following eleven (11) positions within the current structure:

- i) Conferencing/Protocol Officer – P1 (1 Post)
- ii) Security Assistants – G4 (2 Posts)
- iii) Secretaries – G3 (4 Posts)
- iv) Procurement Assistant – G4 (1 Post)
- v) Commissionaires – G4 (2 Posts)
- vi) Driver – G2 (1 Post)

(b) approved the establishment of the following three (3) positions within the structure to strengthen EAC's capacity: (i) Senior Clerk Assistants (P2) 2 posts, (ii) Human Resource Officer (P1) 1 post;

(c) noted that one of the P2 Posts of Senior Clerk Assistant has been recommended to replace the Senior Administrative Officer's post (P2) while that of the Human Resource Officer (P1) to replace the Senior Administrative Officer.

(d) directed the Secretariat to make budget provisions for the positions for consideration in the 2009/2010 Financial Year;

(e) urged Partner States to expedite the conclusion of the Protocol on Immunities and Privileges;

(f) directed the Secretariat to develop an Employment Policy for General Staff in line with the Protocol on Immunities and Privileges; and

(g) directed the Secretariat to ensure that the recruitment of the General Staff is in line with the Employment Policy for General Staff.

7. Staff and Financial Rules and Regulations of LVBC

The Council:

(a) noted that due to time constraints, the Draft Staff and Financial Rules and Regulations of Lake Victoria Basin Commission could not be reviewed;

(b) directed the Secretariat to convene a Finance and Administration Committee meeting to consider the drafts and present them to the Council at its next meeting.

8. Mileage Allowance

The Council:

(a) deferred the matter until a comprehensive quantitative analysis, detailing a survey of prevailing mileage rates; and the possible financial implications on the EAC budget is presented by the Secretariat as directed by the 15th meeting of the Council;

(b) directed the Secretariat to consult with the Partner States' Ministries responsible for EAC Affairs to draw relevant information on the rates applying across the region; and

(c) directed the Secretariat to present the matter at the next meeting of the Council.

9. Defence Liaison Officers

The Council: (a) noted that the following officers were nominated by their respective Partner States to serve in the capacity of Defence Liaison Officers at the EAC Secretariat: (i) Brig. General Dr. Norbert Kalimba reported for duty as DLO (Rwanda) on 15 April 2008; (ii) Brig. General Salvatore Nahimana reported for duty as DLO (Burundi) on 1 June 2008; and (iii) Col. Christopher Riungu Imanene reported for duty as DLO (Kenya) on 18 August, 2008;

(b) noted that the following Officers were to complete their tour of duty as follows: (i) Col. Hilary Kioko/DLO (Kenya) completed with effect from 18th August 2008; (ii) Brig. Gen. Daniel T. Matiku/DLO (Tanzania) with effect from 6th September 2008; and (iii) Brig. Fred Ociti Tolit/DLO (Uganda) with effect from 7th December 2008; and

(c) urged the United Republic of Tanzania and the Republic of Uganda to take note of the above and act accordingly.

10. Appointment of General Staff

The Council:

(a) noted that the staff confirmations are subject to EAC Staff Rules and Regulations to which the Community is bound;

(b) noted that the Protocol on Immunities and Privileges is in process of negotiation by the Sectoral Council for Foreign Affairs and is expected to be presented to the next Council Meeting; and

(c) reversed its decision on confirmation of the twenty one (21) General Staff who were already in employment at the time of the decision, as this ban breaches the provisions of the EAC Staff Rules and Regulations.

11. Partner States Contribution

The Council: **(a)** directed the Secretariat to compute the level of indebtedness as a result of the shortfall and therefore determine the amount payable by the four (4) Partner States **i.e Uganda, Kenya, Rwanda and the United Republic of Tanzania**; **(b)** urged all Partner States to urgently settle their contributions for the financial year 2008/09; **and (c)** directed the Secretariat to prepare and submit to the Council quarterly Financial Reports incorporating funding by Development Partners.

12. Effective Membership of Rwanda and Burundi in the EAC

The Council directed the Secretariat to make all the necessary consultations both political and legal and come up with a definite position on when the Treaty rights and obligations for the Republic of Rwanda and Burundi came into force following their joining of the East African Community, to be discussed in the next Council Meeting.

13. Audited Accounts for 2006/07

The Council:

(a) noted the Audited Financial Statements of:

- i) the East African Community for the Financial Year ended 30th June 2007;
- ii) Lake Victoria Basin Commission for the Financial Year ended 30th June 2007;
- iii) Lake Victoria Environment Management Programme II (LVEMP II) for the Financial Year ended 30th June 2007;
- iv) Lake Victoria Basin Commission Partnership Fund for the Financial Year ended 30th June 2007; and
- v) Mt. Elgon Ecosystem Conservation Programme (MEECP) for the Financial Year ended 31st December 2007;

(b) noted the response of the Audit queries raised by the Audit Commission and recommendations made by the Audit Commission;

(c) noted the recommendations of the Committee as reflected in the last column of the Matrix;

(d) referred the Audited Accounts to the East African Legislative Assembly for debate.

14. Alternative financing mechanisms of the Community

The Council: (a) urged Partner States to expedite the consultations the proposal for alternative financing mechanism of the EAC and give the feedback to the Secretariat by 31 December 2008; and (b) directed the Secretariat to convene a Finance and Administration Committee meeting to consider inputs from Partner States' consultations and recommend accordingly.

15. Road Map on EAC Institutional Development and Staff Rotation

The Council:

(a) directed the Secretariat to circulate the proposal on the short term Road Map before it is tabled for the Extra-ordinary Council in Kampala;

(b) directed the Secretariat to finalize the comprehensive Road Map on EAC institutional development by the end of February 2009;

(c) reiterated the decision of the 15th Council Meeting of March 2008 to freeze recruitment until the short term Road Map is presented to the Council at its next sitting.

16. EAC Calendar of Activities, July- December 2008

The Council directed the Secretariat to review and harmonize the EAC Calendar of Activities, July-December 2008 in accordance with all decisions of the Council.

LEGAL NOTICE NO. EAC/????/2008

ANNUAL REPORTS, ACTIVITIES OF EAC ORGANS AND INSTITUTIONS, AND OTHERS

At its 16th Ordinary Meeting held on 13 September 2008 in Arusha, Tanzania, the Council of Ministers of the East African Community: -

1. East African Court of Justice

(a) took note of the Report on the activities of the East African Court of Justice for period under review.

2. East African Legislative Assembly

(a) took note of the Report of activities of the East African Legislative Assembly for period under review.

3. Civil Aviation Safety and Security Oversight Agency (CASSOA)

The Council took note of:

- (a) the progress of operationalization of the Agency in terms of the Protocol ratification and the Bill enactment process;
- (b) the progress on the hosting of CASSOA and the required funding;
- (c) the Agency's co-hosting of the international Workshop which will facilitate in planning for safety improvement in the region;
- (d) the progress on the procurement of the consultancy for the development of the Five Years Strategic Plan and the Organisation Evolvment Plan;
- (e) the start of the implementation of the harmonised safety Regulations by recertifying the major carriers in the region; and (f) rotational system in the Agency's chairmanship in order of Uganda, Tanzania, Kenya, Burundi and Rwanda as approved by the Board in line with Article 7(4) of the CASSOA Protocol.

4. East African Development Bank

The Council noted that the Secretariat will submit the Report on the East African Development Bank at the 17th Meeting of the Council.

5. IUCEA

The Council took note of the activities being carried out by the Inter University Council of East Africa (IUCEA) during the period under review.

6. LVBC

The Council:

- (a) took note of the report of the Lake Victoria Basin Commission for the period under review;
- (b) allowed the recruitment of Internal Auditor and Senior Accountant

7. Lake Victoria Fisheries Organization

The Council:

- a) took note;
 - (i) that with effect from 1st July,2008,Mr. Dick Nyeko from Uganda was appointed Executive Secretary of LVFO
 - (ii) that effective from 1 May, 2008, Mr. Mathias Wanyama Wafula from Kenya was appointed the Deputy Executive Secretary of LVFO;

- (iii) that LVFO will launch its new Headquarters building in October 2008 in Jinja, Uganda;
 - (iv) that LVFO will hold a Regional Stakeholders Conference from 27 October to 1 November 2008 in Entebbe, Uganda;
 - (v) that the EAC Request for Rwanda and Burundi to join the LVFO will be addressed by the LVFO Council of Ministers' Seventh Regular Session scheduled for November 2008 in Mwanza, Tanzania;
- b) took note of the request by LVFO to consider translating some of the LVFO Council decisions into Bills for submission to the East African Legislative Assembly;
 - c) urged the Partner States to provide political will at all levels to combat illegal trade in undersized Nile perch and Tilapia fish and all other destructive methods of fishing in Lake Victoria.
 - d) noted need for the representatives of EAC Ministries in Partner States to attend meetings of LVFO.

8. Convening of EAC Meetings

The Council: (a) directed the Secretariat to always strictly adhere to the EAC Calendar of Activities and the Rules of Procedure in convening all EAC Meetings; (b) urged the Partner States to strictly adhere to the EAC Calendar of Activities and the Rules of Procedure in attending all EAC Meetings

9. Format of Reports

The Council directed the Secretariat to formulate a standard format for report writing.

10. Tripartite COMESA / SADC / EAC Summit

The Council took note of the preparations for the Tripartite COMESA/SADC/EAC Summit to be held in Kampala on 21 October, 2008.

11. Facilitation of Ambassadors and High Commissioners

The Council noted the appeal by Secretariat to the Ministers of Foreign Affairs from the Partner States to facilitate the Ambassadors and High Commissioners representing their countries in the East African Community to attend the Meetings of the Council of Ministers and those of the Sectoral Councils noting that the work of the envoys is largely focused on regional rather than bilateral issues.

East African Community Secretariat

P.O.Box 1096

Arusha, Tanzania

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December 2008