EAST AFRICAN COMMUNITY

TREATY
FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(As amended on 14th December, 2006 and 20th August, 2007)

PREAMBLE

WHEREAS the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania have enjoyed close historical, commercial, industrial, cultural and other ties for many years;

AND WHEREAS formal economic and social integration in the East African Region commenced with, among other things, the construction of the Kenya Uganda Railway 1897 - 1901, the establishment of the Customs Collection Centre 1900, the East African Currency Board 1905, the Postal Union 1905, the Court of Appeal for Eastern Africa 1909, the Customs Union 1919, the East African Governors Conference 1926, the East African Income Tax Board 1940 and the Joint Economic Council 1940;

AND WHEREAS provision was made by the East Africa (High Commission) Orders in Council 1947 - 1961, the East African Common Services Organisation Agreements 1961 – 1966, and the Treaty for East African Co-operation 1967 for the establishment respectively, of the East Africa High Commission, the East African Common Services Organisation and the East African Community as successive joint organisations of the said countries to control and administer certain matters of common interest and to regulate the commercial and industrial relations and transactions between the said countries and by means of a central legislature to enact on behalf of the said countries laws relevant to the purposes of the said joint organisations;

AND WHEREAS in 1977 the Treaty for East African Co-operation establishing the East African Community was officially dissolved, the main reasons contributing to the collapse of the East African Community being lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits of the Community among the Partner States due to their differences in their levels of development and lack of adequate policies to address this situation;

AND WHEREAS upon the dissolution of the East African Community the said countries signed on the 14th day of May, 1984, at Arusha, in Tanzania the East African Community Mediation Agreement 1984, hereinafter referred to as "the Mediation Agreement" for the division of the assets and liabilities of the former East African Community;

AND WHEREAS pursuant to Article 14.02 of the Mediation Agreement the said countries agreed to explore and identify areas for future co-operation and to make arrangements for such co-operation;

AND WHEREAS on the 30th day of November, 1993, provision was made by the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania for the establishment of the Permanent Tripartite Commission for Co-operation hereinafter referred to as "the Tripartite Commission" to be responsible for the co-ordination of economic, social, cultural, security and political issues among the said countries and a Declaration was also made by the Heads of State of the said countries for closer East African Co-operation;

AND WHEREAS on the 26th day of November, 1994, provision was made by the Protocol on the Establishment of a Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania, for the establishment of the Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania to act as the Secretariat of the Tripartite Commission, hereinafter referred to as “the Secretariat of the Tripartite Commission”;

AND WHEREAS on the 29th day of April 1997 at Arusha in Tanzania, the Heads of State of the said countries after reviewing the progress made by the Tripartite Commission, in the development of closer co-operation between the said countries in the fiscal, monetary, immigration, infrastructure and service fields and after approving the East African Co-operation Development Strategy for the period 1997 - 2000, directed the Tripartite Commission to embark on negotiations for the upgrading of the Agreement establishing the Tripartite Commission into a Treaty;

AND WHEREAS the said countries, with a view to strengthening their co-operation are resolved to adhere themselves to the fundamental and operational principles that shall govern the achievement of the objectives set out herein and to the principles of international law governing relationships between sovereign states;

AND WHEREAS the said countries, with a view to realising a fast and balanced regional development are resolved to creating an enabling environment in all the Partner States in order to attract investments and allow the private sector and civil society to play a leading role in the socio-economic development activities through the development of sound macro-economic and sectoral policies and their efficient management while taking cognisance of the developments in the world economy as contained in the Marrakesh Agreement Establishing the World Trade Organisation, 1995 referred to “as the WTO Agreement” and as may be decided by the Partner States, the development of technological capacity for improved productivity;

AND WHEREAS the said countries desire to foster and to promote greater awareness of the shared interests of their people;

AND WHEREAS the said countries are resolved to act in concert to achieve the objectives set out hereinbefore;

NOW THEREFORE the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania ;

DETERMINED to strengthen their economic, social, cultural, political, technological and other ties for their fast balanced and sustainable development by the establishment of an East African Community, with an East African Customs Union and a Common Market as transitional stages to and integral parts thereof, subsequently a Monetary Union and ultimately a Political Federation;

CONVINCED that co-operation at the sub-regional and regional levels in all fields of human endeavour will raise the standards of living of African peoples, maintain and enhance the economic stability, foster close and peaceful relations among African states and accelerate the successive stages in the realisation of the proposed African Economic Community and Political Union;

AGREE AS FOLLOWS:

CHAPTER ONE

INTERPRETATION

ARTICLE 1

Interpretation

1. In this Treaty, except where the context otherwise requires -

"Act of the Community" means an Act of the Community in accordance with this Treaty;

“Audit Commission” means the Audit Commission established by Article 134 of this Treaty;

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

“Attorney General” means the Attorney General of a Partner State;

“Bill” means a Bill of the East African Legislative Assembly;

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

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

"common carrier" includes a person or an undertaking engaged in the business of providing services for the carriage of goods and passengers for hire and operating as such under the laws of a Partner State;

"common external tariff" means an identical rate of tariff imposed on goods imported from third countries;

"Common Market" means the Partner States' markets integrated into a single market in which there is free movement of capital, labour, goods and services;

"common standard travel document" means a passport or any other valid travel document establishing the identity of the holder, issued by or on behalf of the Partner State of which he or she is a citizen and shall also include inter-state passes;

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

"Contracting Parties" means the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania;

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

"Co-ordination Committee" means the Co-ordination Committee established by Article 9 of this Treaty;

"Council" means the Council of Ministers of the Community established by Article 9 of this Treaty;

“Counsel to the Community” means the Counsel to the Community provided for under Article 69 of this Treaty;

"countervailing duty" means a specific duty levied for purposes of offsetting a subsidy bestowed directly or indirectly upon the manufacture, production or export of that product;

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

"customs clearing agent" means a person who is licensed in any of the Partner States to provide a service at a fee, in connection with documentation and customs clearance of import and export of consignments of goods;

“designated airline” means an airline which has been designated and authorised by a competent authority of a Partner State to operate the agreed services;

"duty drawback" means a refund of all or part of any excise or import duty paid in respect of goods confirmed to have been exported or used in a manner or for a purpose prescribed as a condition for granting duty drawback.

"East African Industrial Development Strategy" means the strategy provided for under Article 80 of this Treaty;

“East African Law Reports” means the published reports of the judgements of the former Court of Appeal for East Africa and the High Courts of Uganda, Kenya and Tanzania;

"East African Trade Regime" means a trade regime provided for under Article 74 of this Treaty;

"elected member" means an elected member of the Assembly elected under Article 50 of this Treaty;

"environment" means the natural resources of air, water, soil, fauna and flora, eco-systems, land, the man-made physical features, cultural heritage, the characteristic aspects of the landscape and the socio-economic interaction between the said factors and any living and non-living organisms;

"equitable distribution of benefits" means fair and proportionate distribution of benefits;

"financial year" means the financial year referred to under Article 132 of this Treaty;

"foreign country" means any country other than a Partner State;

"freight forwarder" means a person engaged at a fee, either as an agent for other transport operators or on his own account, in the management of transport services and related documentation;

"Gazette" means the Official Gazette of the Community;

"gender" means the role of women and men in society;

"Head of Government" means a person designated as such by a Partner State's Constitution;

"Head of State" means a person designated as such by a Partner State's Constitution;

"import" with its grammatical variations and cognate expressions means to bring or cause to be brought into the territories of the Partner States from a foreign country;

"indigenous entrepreneur" means a citizen who is a business person of a Partner State but who does not possess a foreign nationality;

"institutions of the Community" means the institutions of the Community established by Article 9 of this Treaty;

"international standards" means standards that are adopted by international standardising or standards organisations made available to the public;

"Judge" means a Judge of the Court serving on the First Instance Division or the Appellate Division;

"judgment" shall where appropriate include a ruling, an opinion, an order, a directive or a decree of the Court;

"Minister" in relation to a Partner State, means a person appointed as a Minister of the Government of that Partner State and any other person, however entitled, who, in accordance with any law of that Partner State, acts as or performs the functions of a Minister in that State;

"multimodal transport" means the transport of goods and services from one point to another by two or more modes of transport on the basis of a single contract issued by the person organising such services and while such person assumes responsibility for the execution of the whole operation and also includes any other similar equipment or facility which may hereafter be used;

"multimodal transport facilities" includes items such as heavy lift swinging devices, twin deck cranes, gantry cranes, elevators, large carriers, mechanised storage, low loaders, access facilities, low-profile straddle carriers, mobile cranes, container gantry cranes, side loaders, heavy duty forklifts, heavy duty tractors, heavy duty trailers, portable ramps, flat wagons (flats) for containers, low tare special user wagons and trucks for containers, pallets, web-slings for pre-slung cargoes for different commodities and any other similar equipment or facility which may hereafter be used."

“National Assemblies” with its grammatical variation and cognate expression means the national legislatures however designated of the Partner States;

"non-tariff barriers" means administrative and technical requirements imposed by a Partner State in the movement of goods;

"organs of the Community" means the organs of the Community established by Article 9 of this Treaty;

"other charges of equivalent effect" means any tax, surtax, levy or charge imposed on imports and not on like locally produced products but does not include fees and similar charges commensurate with the cost of services rendered;

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

"person" means a natural or legal person;

"principle of asymmetry" means the principle which addresses variances in the implementation of measures in an economic integration process for purposes of achieving a common objective;

"principle of complementarity" means the principle which defines the extent to which economic variables support each other in economic activity;

"principle of subsidiarity" means the principle which emphasises multi-level participation of a wide range of participants in the process of economic integration;

"principle of variable geometry" means the principle of flexibility which allows for progression in co-operation among a sub-group of members in a larger integration scheme in a variety of areas and at different speeds;

"private sector" means the part of the economy that is not owned or directly controlled by a state;

“protocol” means any agreement that supplements, amends or qualifies this Treaty;

“Registrar” means the Registrar of the Court appointed under Article 45 of this Treaty;

"safeguard measures" means the measures taken by any Partner State as provided under Article 78 and 88 of this Treaty as the case may be;

"salary” and “terms and conditions of service" includes wages, overtime pay, salary and wage structures, leave, passages, transport for leave purposes, pensions and other retirement benefits, redundancy and severance payments, hours of duty, grading of posts, medical arrangements, housing, arrangements for transport and travelling on duty, and allowances;

"Secretariat" means the Secretariat of the Community established by Article 9 of this Treaty'

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

"Sectoral Committees" means Sectoral Committees established by Article 20 of this Treaty;

"Sectoral Council" means the Sectoral Council provided for under Article 14 of this Treaty;

"shipping agent" means a local representative of a shipping company;

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

"subsidy" means a financial contribution by Government or any public body within the territory of a Partner State or where there is any form of income or price support in the sense of Article XVI of GATT 1994;

"Summit" means the Summit established by Article 9 of this Treaty.

"surviving institutions of the former East African Community" means the East African Civil Aviation Academy, Soroti, the East African Development Bank, the East African School of Librarianship and the Inter-University Council for East Africa;

"telecommunications" means any form of transmission, emission or reception signal, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electro-magnetic systems;

"trade procedure” means activities related to the collection, presentation, processing and dissemination of data and information concerning all activities constituting international trade;

"Treaty" means this Treaty establishing the East African Community and any annexes and protocols thereto;

2. In this Treaty, a reference to a law or protocol shall be construed as a reference to the law or protocol as from time to time amended, added to or repealed.

CHAPTER TWO

ESTABLISHMENT AND PRINCIPLES OF THE COMMUNITY

ARTICLE 2

Establishment of the Community

1 By this Treaty the Contracting Parties establish among themselves an East African Community hereinafter referred to as “the Community”.

2. In furtherance of the provisions of paragraph 1 of this Article and in accordance with the protocols to be concluded in this regard, the Contracting Parties shall establish an East African Customs Union and a Common Market as transitional stages to and integral parts of the Community.

ARTICLE 3

Membership of the Community

1. The members of the Community, in this Treaty referred to as "the Partner States", shall be the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania and any other country granted membership to the Community under this Article.

2. The Partner States may, upon such terms and in such manner as they may determine, together negotiate with any foreign country the granting of membership to, or association of that country with, the Community or its participation in any of the activities of the Community.

3. Subject to paragraph 4 of this Article, the matters to be taken into account by the Partner States in considering the application by a foreign country to become a member of, be associated with, or participate in any of the activities of the Community, shall include that foreign country’s:

(a) acceptance of the Community as set out in this Treaty;

(b) adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice;

(c) potential contribution to the strengthening of integration within the East African region;

(d) geographical proximity to and inter-dependence between it and the Partner States;

(e) establishment and maintenance of a market driven economy; and

(f) social and economic policies being compatible with those of the Community.

4. The conditions and other considerations that shall govern the membership or association of a foreign country with the Community or its participation in any of the activities of the Community shall be as those prescribed in this Article.

5. The granting of observer status with respect to the Community shall:

(a) in case of a foreign country, be the prerogative of the Summit; and

(b) in case of an inter-governmental organization or civil society organisation, be the prerogative of the Council.

6. The procedure to be followed with respect to the foregoing provisions of this Article shall be prescribed by the Council.

ARTICLE 4

Legal Capacity of the Community

1. The Community shall have the capacity, within each of the Partner States, of a body corporate with perpetual succession, and shall have power to acquire, hold, manage and dispose of land and other property, and to sue and be sued in its own name.

2. The Community shall have power to perform any of the functions conferred upon it by this Treaty and to do all things, including borrowing, that are necessary or desirable for the performance of those functions.

3. The Community shall, as a body corporate, be represented by the Secretary General.

ARTICLE 5

Objectives of the Community

1. The objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.

2. In pursuance of the provisions of paragraph 1 of this Article, the Partner States undertake to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States to the end that there shall be accelerated, harmonious and balanced development and sustained expansion of economic activities, the benefit of which shall be equitably shared.

3. For purposes set out in paragraph 1 of this Article and as subsequently provided in particular provisions of this Treaty, the Community shall ensure:

(a) the attainment of sustainable growth and development of the Partner States by the promotion of a more balanced and harmonious development of the Partner States;

(b) the strengthening and consolidation of co-operation in agreed fields that would lead to equitable economic development within the Partner States and which would in turn, raise the standard of living and improve the quality of life of their populations;

(c) the promotion of sustainable utilisation of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States;

(d) the strengthening and consolidation of the long standing political, economic, social, cultural and traditional ties and associations between the peoples of the Partner States so as to promote a people-centered mutual development of these ties and associations;

(e) the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development;

(f) the promotion of peace, security, and stability within, and good neighbourliness among, the Partner States;

(g) the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development; and

(h) the undertaking of such other activities calculated to further the objectives of the Community, as the Partner States may from time to time decide to undertake in common.

ARTICLE 6

Fundamental Principles of the Community

The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:

(a) mutual trust, political will and sovereign equality;

(b) peaceful co-existence and good neighbourliness;

(c) peaceful settlement of disputes;

(d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;

(e) equitable distribution of benefits; and

(f) co-operation for mutual benefit.

ARTICLE 7

Operational Principles of the Community

1. The principles that shall govern the practical achievement of the objectives of the Community shall include:

(a) people-centered and market-driven co-operation;

(b) the provision by the Partner States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;

(c) the establishment of an export oriented economy for the Partner States in which there shall be free movement of goods, persons, labour, services, capital, information and technology;

(d) the principle of subsidiarity with emphasis on multi-level participation and the involvement of a wide range of stake- holders in the process of integration;

(e) the principle of variable geometry which allows for progression in co-operation among groups within the Community for wider integration schemes in various fields and at different speeds;

(f) the equitable distribution of benefits accruing or to be derived from the operations of the Community and measures to address economic imbalances that may arise from such operations;

(g) the principle of complementarity; and

(h) the principle of asymmetry.

2. The Partner States undertake to abide by the principles of good governance, including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights.

ARTICLE 8

General Undertaking as to Implementation

1. The Partner States shall:

(a) plan and direct their policies and resources with a view to creating conditions favourable for the development and achievement of the objectives of the Community and the implementation of the provisions of this Treaty;

(b) co-ordinate, through the institutions of the Community, their economic and other policies to the extent necessary to achieve the objectives of the Community; and

(c) abstain from any measures likely to jeopardise the achievement of those objectives or the implementation of the provisions of this Treaty.

2. Each Partner State shall, within twelve months from the date of signing this Treaty, secure the enactment and the effective implementation of such legislation as is necessary to give effect to this Treaty, and in particular -

(a) to confer upon the Community the legal capacity and personality required for the performance of its functions; and

(b) to confer upon the legislation, regulations and directives of the Community and its institutions as provided for in this Treaty, the force of law within its territory.

3. Each Partner State shall -

(a) designate a Ministry with which the Secretary General may communicate in connection with any matter arising out of the implementation or the application of this Treaty, and shall notify the Secretary General of that designation;

(b) transmit to the Secretary General copies of all relevant existing and proposed legislation and its official gazettes; and

(c) where it is required under this Treaty, to supply to or exchange with another Partner State any information, send copies of such information to the Secretary General.

4. Community organs, institutions and laws shall take precedence over similar national ones on matters pertaining to the implementation of this Treaty.

5. In pursuance of the provisions of paragraph 4 of this Article, the Partner States undertake to make the necessary legal instruments to confer precedence of Community organs, institutions and laws over similar national ones.

CHAPTER THREE

ESTABLISHMENT OF THE ORGANS AND INSTITUTIONS OF THE COMMUNITY

ARTICLE 9

Establishment of the Organs and Institutions of the Community

1. There are hereby established as organs of the Community:

   (a) the Summit;
   (b) the Council;
   (c) the Co-ordination Committee;
   (d) Sectoral Committees;
   (e) the East African Court of Justice;
   (f) the East African Legislative Assembly;
   (g) the Secretariat; and
   (h) such other organs as may be established by the Summit.

2. The institutions of the Community shall be such bodies, departments and services as may be established by the Summit.

3. Upon the entry into force of this Treaty, the East African Development Bank established by the Treaty Amending and Re-enacting the Charter of the East African Development Bank, 1980 and the Lake Victoria Fisheries Organisation established by the Convention (Final Act) for the Establishment of the Lake Victoria Fisheries Organisation, 1994 and surviving institutions of the former East African Community shall be deemed to be institutions of the Community and shall be designated and function as such.

4. The organs and institutions of the Community shall perform the functions, and act within the limits of the powers conferred upon them by or under this Treaty.

5. In the appointment of staff and composition of the organs and institutions of the Community, gender balance shall be taken into account.

CHAPTER FOUR

THE SUMMIT

ARTICLE 10

Membership of the Summit

1. The Summit shall consist of the Heads of State or Government of the Partner States.

2. If a member of the Summit is unable to attend a meeting of the Summit and it is not convenient to postpone the meeting, that member may, after consultation with other members of the Summit, appoint a Minister of Government to attend the meeting. A Minister so appointed shall, for purposes of that meeting, have all the powers, duties and responsibilities of the member of the Summit for whom that person is acting.

ARTICLE 11

Functions of the Summit

1. The Summit shall give general directions and impetus as to the development and achievement of the objectives of the Community.

2. The Summit shall consider the annual progress reports and such other reports submitted to it by the Council as provided for by this Treaty.

3. The Summit shall review the state of peace, security and good governance within the Community and the progress achieved towards the establishment of a Political Federation of the Partner States.

4. The Summit shall have such other functions as may be conferred upon it by this Treaty.

5. Subject to this Treaty, the Summit may delegate the exercise of any of its functions, subject to any conditions which it may think fit to impose, to a member of the Summit, to the Council or to the Secretary General.

6. An Act of the Community may provide for the delegation of any powers, including legislative powers, conferred on the Summit by this Treaty or by any Act of the Community, to the Council or to the Secretary General.

7. Subject to the provisions of any Act of the Community, the acts and decisions of the Summit may be signified under the hand of the Secretary General or of any officer in the service of the Community authorised in that behalf by the Summit.

8. The Summit shall cause all rules and orders made by it under this Treaty to be published in the Gazette; and any such rules or orders shall come into force on the date of publication unless otherwise provided in the rule or order.

9. The delegation of powers and functions referred to in paragraphs 5 and 6 of this Article, shall not include:

(a) the giving of general directions and impetus;
(b) the appointment of Judges to the East African Court of Justice;
(c) the admission of new Members and granting of Observer Status to foreign countries; and
(d) assent to Bills.

ARTICLE 12

Meetings of the Summit

1. The Summit shall meet at least once in every year and may hold extraordinary meetings at the request of any member of the Summit.

2. The tenure of office of the Chairperson of the Summit is one year and the office of the Chairperson shall be held in rotation among the Partner States.

3. The decisions of the Summit shall be by consensus.

4. The Summit shall discuss business submitted to it by the Council and any other matter which may have a bearing on the Community.

5. Subject to the provisions of this Treaty, the Summit shall determine its own procedure, including that for convening its meetings, for the conduct of business thereat and at other times, and for the rotation of the office of Chairperson among the members of the Summit.

CHAPTER FIVE

THE COUNCIL

ARTICLE 13

Membership of the Council

The Council shall consist of:

(a) the Minister responsible for East African Community affairs of each Partner State;

(b) such other Minister of the Partner States as each Partner State may determine; and

(c) the Attorney General of each Partner State.

ARTICLE 14

Functions of the Council

1. The Council shall be the policy organ of the Community.

2. The Council shall promote, monitor and keep under constant review the implementation of the programmes of the Community and ensure the proper functioning and development of the Community in accordance with this Treaty.

3. For purposes of paragraph 1 of this Article, the Council shall:

(a) make policy decisions for the efficient and harmonious functioning and development of the Community;

(b) initiate and submit Bills to the Assembly;

(c) subject to this Treaty, give directions to the Partner States and to all other organs and institutions of the Community other than the Summit, Court and the Assembly;

(d) make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of this Treaty;

(e) consider the budget of the Community;

(f) consider measures that should be taken by Partner States in order to promote the attainment of the objectives of the Community;

(g) make staff rules and regulations and financial rules and regulations of the Community;

(h) submit annual progress reports to the Summit and prepare the agenda for the meetings of the Summit;

(i) establish from among its members, Sectoral Councils to deal with such matters that arise under this Treaty as the Council may delegate or assign to them and the decisions of such Sectoral Councils shall be deemed to be decisions of the Council;

(j) establish the Sectoral Committees provided for under this Treaty;

(k) implement the decisions and directives of the Summit as may be addressed to it;

(l) endeavour to resolve matters that may be referred to it; and

(m) exercise such other powers and perform such other functions as are vested in or conferred on it by this Treaty.

4. The Council may request advisory opinions from the Court in accordance with this Treaty.

5. The Council shall cause all regulations and directives made or given by it under this Treaty to be published in the Gazette; and such regulations or directives shall come into force on the date of publication unless otherwise provided therein.

ARTICLE 15

Meetings of the Council

1. The Council shall meet twice in each year, one meeting of which shall be held immediately preceding a meeting of the Summit. Extraordinary meetings

of t he Council may be held at the request of a Partner State or the Chairperson of the Council.

2. The Council shall determine its own procedure including that for convening its meetings, for the conduct of business thereat and at other times, and for the rotation of the office of Chairperson among its members who are Ministers responsible for regional co-operation in the Partner States.

3. A member of the Council who is the leader of his or her Partner State's delegation to a meeting of the Council, may record his or her objection to a proposal submitted for the decision of the Council and, if any such objection is recorded, the Council shall not proceed with the proposal and shall, unless the objection is withdrawn refer the matter to the Summit for decision.

4. Subject to a protocol on decision-making, the decisions of the Council shall be by consensus.

5. The protocol referred to in paragraph 4 of this Article shall be concluded within a period of six months from the entry into force of this Treaty.

ARTICLE 16

Effects of Regulations, Directives, Decisions and Recommendations of the Council

Subject to the provisions of this Treaty, the regulations, directives and decisions of the Council taken or given in pursuance of the provisions of this Treaty shall be binding on the Partner States, on all organs and institutions of the Community other than the Summit, the Court and the Assembly within their jurisdictions, and on those to whom they may under this Treaty be addressed.

CHAPTER SIX

THE CO-ORDINATION COMMITTEE

ARTICLE 17

Composition of the Co-ordination Committee

The Co-ordination Committee shall consist of the Permanent Secretaries responsible for East African Community affairs in each Partner State and such other Permanent Secretaries of the Partner States as each Partner State may determine.

ARTICLE 18

Functions of the Co-ordination Committee

The Co-ordination Committee:

(a) shall submit from time to time, reports and recommendations to the Council either on its own initiative or upon the request of the Council, on the implementation of this Treaty;

(b) shall implement the decisions of the Council as the Council may direct;

(c) shall receive and consider reports of the Sectoral Committees and co-ordinate their activities;

(d) may request a Sectoral Committee to investigate any particular matter; and

(e) shall have such other functions as are conferred upon it by this Treaty.

ARTICLE 19

Meetings of the Co-ordination Committee

1. Subject to any directions which may be given by the Council, the Co-ordination Committee shall meet at least twice in each year preceding the meetings of the Council and may hold extraordinary meetings at the request of the Chairperson of the Co-ordination Committee.

2. The Co-ordination Committee shall determine its own procedure including that for convening its meetings, for the conduct of business thereat and at other times, and for the rotation of the office of Chairperson among its members who are Permanent Secretaries responsible for East African Community affairs in each Partner State.

CHAPTER SEVEN

SECTORAL COMMITTEES

ARTICLE 20

Establishment and Composition of Sectoral Committees

The Co-ordination Committee shall recommend to the Council the establishment, composition and functions of such Sectoral Committees as may be necessary for the achievement of the objectives of this Treaty.

ARTICLE 21

Functions of the Sectoral Committees

Subject to any directions the Council may give, each Sectoral Committee shall:

(a) be responsible for the preparation of a comprehensive implementation programme and the setting out of priorities with respect to its sector;

(b) monitor and keep under constant review the implementation of the programmes of the Community with respect to its sector;

(c) submit from time to time, reports and recommendations to the Co-ordination Committee either on its own initiative or upon the request of the Co-ordination Committee concerning the implementation of the provisions of this Treaty that affect its sector; and

(d) have such other functions as may be conferred on it by or under this Treaty.

ARTICLE 22

Meetings of the Sectoral Committees

Subject to any directions that may be given by the Council, the Sectoral Committees shall meet as often as necessary for the proper discharge of their functions and shall determine their own procedure.

CHAPTER EIGHT

THE EAST AFRICAN COURT OF JUSTICE

ARTICLE 23

Role of the Court

1. The Court shall be a judicial body which shall ensure the adherence to law in the interpretation and application of and compliance with this Treaty.

2. The Court shall consist of a First Instance Division and an Appellate Division.

3. The First Instance Division shall have jurisdiction to hear and determine, at first instance, subject to a right of appeal to the Appellate Division under Article 35A, any matter before the Court in accordance with this Treaty.

ARTICLE 24

Judges of the Court

1. Judges of the Court shall be appointed by the Summit from among persons recommended by the Partner States who are of proven integrity, impartiality and independence and who fulfil the conditions required in their own countries for the holding of such high judicial office, or who are jurists of recognised competence, in their respective Partner States:

Provided that no more than–

(a) two Judges of the First Instance Division; or

(b) one Judge of the Appellate Division,

shall be appointed on the recommendation of the same Partner State..

2. The Court shall be composed of a maximum of fifteen Judges of whom not more than ten shall be appointed to the First Instance Division and not more than five shall be appointed to the Appellate Division:

Provided that of the Judges first appointed to the Court, the terms of one third of the Judges shall expire at the end of five years, the terms of another one third of the Judges shall expire at the end of six years and the

remaining one third of the Judges shall serve their full terms of seven years.

3. The Judges whose terms are to expire at the end of each of the initial periods mentioned in paragraph 2 of this Article shall be chosen by lot to be drawn by the Summit immediately after their first appointment.

4. The Summit shall designate two of the Judges of the Appellate Division as the President and Vice-President respectively, who shall be responsible for the performance of such functions as are set out in this Treaty.

5. The Summit shall designate two of the Judges of the First Instance Division as the Principal Judge and Deputy Principal Judge respectively, who shall be responsible for the performance of such functions as may be set out in this Treaty.

6. The President and Vice-President, the Principal Judge and the Deputy Principal Judge, shall not be nationals of the same Partner State.

7. The President shall:

(a) be the Head of the Court and shall be responsible for the administration and supervision of the Court;

(b) direct work of the Appellate Division, represent it, regulate the disposition of the matters brought before the Court and preside over its sessions.

8. The Principal Judge shall direct work of the First Instance Division, represent it, regulate the disposition of the matters brought before the Court and preside over its sessions.

9. The office of President of the Court shall be held in rotation after the completion of any one term.

10. The President of the Court shall direct the work of the Court, represent it, regulate the disposition of matters brought before the Court, and preside over its sessions.

ARTICLE 25

Tenure of Office of Judges

1. Subject to paragraph 2 of Article 24, a Judge appointed under paragraph 1 of Article 24 of this Treaty, shall hold office for a maximum period of seven years.

2. A Judge shall hold office for the full term of his or her appointment unless he or she resigns or attains seventy (70) years of age or dies or is removed from office in accordance with this Treaty.

3. Where the term of office of a Judge comes to an end by effluxion of time or on resignation before a decision or opinion of the Court with respect to a matter which has been argued before the Court of which he or she was a member is delivered, that Judge shall, only for the purpose of completing that particular matter, continue to sit as a Judge.

4. A Judge may, at any time, resign his or her office by giving three months' written notice to the Chairman of the Summit through the Secretary General.

5. The salary and other terms and conditions of service of a Judge not provided for in this Treaty shall be determined by the Summit on the recommendation of the Council.

ARTICLE 26

Removal from Office and Temporary Membership of the Court

1. A Judge shall not be removed from office except by the Summit–

   (a) for misconduct or for inability to perform the functions of his or her office due to infirmity of mind or body;

   Provided that a Judge shall only be removed from office under this subparagraph if the question of his or her removal from office has been referred to an ad hoc independent tribunal appointed for this purpose by the Summit and the tribunal has recommended that the Judge be removed from office for misconduct or inability to perform the functions of his or her office; or

(b) in the case of a Judge who also holds judicial office or other public office in a Partner State–

(i) is removed from that office for misconduct or due to inability to perform the functions of the office for any reason; or

(ii) resigns from that office following allegation of misconduct or of inability to perform the functions of the office for any reason;

(c) if the Judge is adjudged bankrupt under any law in force in a Partner State; or

(d) if the Judge is convicted of an offence involving dishonesty or fraud or moral turpitude under any law in force in a Partner State.

2. Where–

(a) the question of removing a Judge has been referred to a tribunal under paragraph 1(a) or

(b) a Judge is subject to investigation by a tribunal or other relevant authority of a Partner State with a view to his or her removal from an office referred to in paragraph 1(b); or

(c) a Judge is charged with an offence referred to in paragraph 1(d) under any law in force in a Partner State,

the Summit may, subject to paragraph 2B, suspend the Judge from the exercise of the functions of his or her office

2A. Where a Judge is suspended under paragraph 2, his or her respective Partner State shall recommend a person qualified in terms of Article 24 to the Summit for appointment as a temporary Judge for the duration of such suspension.

2B. The suspension of a Judge under paragraph 2 may, at any time, be revoked by the Summit and shall, in any case, cease to have effect if–

(a) the tribunal appointed under paragraph 1(a) recommends to the Summit that the Judge should not be removed from office; or

(b) a tribunal or other relevant authority of a Partner State recommends that the Judge should not be removed from an office referred to in paragraph 1(b); or

(c) the Judge is acquitted of an offence referred to in paragraph 1(d) by a court of competent jurisdiction in a Partner State.

3. The tribunal appointed under paragraph 1(a) of this Article shall consist of three eminent Judges drawn from within the Commonwealth of Nations.

4. At any time when the President of the Appellate Division, or the Principal Judge of the First Instance Division of the Court is for any reason unable to perform the functions of his or her office, those functions shall be performed by the Vice-President or the Deputy Principal Judge, as the case may be.

5. The procedure for filling vacancies in the Court shall be prescribed in rules of the Court.

6. If a Judge is directly or indirectly interested in a case before the Court, and if he or she considers that the nature of his or her interest is such that it would be prejudicial for him or her to take part in that case, such a Judge shall, if in the First Instance Division, make a report to the Principal Judge, or, if in the Appellate Division, make a report to the President, and if the President or Principal Judge considers the Judge's interest in the case prejudicial, the President or Principal Judge, as the case may be, shall make a report to the Chairperson of the Summit, and the Summit shall appoint a temporary Judge to act for that case only in place of the substantive Judge.

7. If the President or Principal Judge of the Court is directly or indirectly interested in a case before the Court he or she shall, if he or she considers that the nature of his or her interest is such that it would be prejudicial for him or her to take part in that case, make a report to the Chairperson of the Summit and the Summit shall appoint a temporary President or Principal Judge of the Court to act as President or Principal Judge of the Court for that case only in place of the substantive President or Principal Judge of the Court.

ARTICLE 27

Jurisdiction of the Court

1. The Court shall initially have jurisdiction over the interpretation and application of this Treaty:

Provided that the Court's jurisdiction to interpret under this paragraph shall not include the application of any such interpretation to jurisdiction conferred by the Treaty on organs of Partner States.

2. The Court shall have such other original, appellate, human rights and other jurisdiction as will be determined by the Council at a suitable subsequent date. To this end, the Partner States shall conclude a protocol to operationalise the extended jurisdiction.

ARTICLE 28

Reference by Partner States

1. A Partner State which considers that another Partner State or an organ or institution of the Community has failed to fulfil an obligation under this Treaty or has infringed a provision of this Treaty, may refer the matter to the Court for adjudication.

2. A Partner State may refer for determination by the Court, the legality of any Act, regulation, directive, decision or action on the ground that it is ultra vires or unlawful or an infringement of the provisions of this Treaty or any rule of law relating to its application or amounts to a misuse or abuse of power.

ARTICLE 29

Reference by the Secretary General

1. Where the Secretary General considers that a Partner State has failed to fulfil an obligation under this Treaty or has infringed a provision of this Treaty, the Secretary General shall submit his or her findings to the Partner State concerned for that Partner State to submit its observations on the findings.

2. If the Partner State concerned does not submit its observations to the Secretary General within four months, or if the observations submitted are unsatisfactory, the Secretary General shall refer the matter to the Council which shall decide whether the matter should be referred by the Secretary General to the Court immediately or be resolved by the Council.

3. Where a matter has been referred to the Council under the provisions of paragraph 2 of this Article and the Council fails to resolve the matter, the Council shall direct the Secretary General to refer the matter to the Court.

ARTICLE 30

Reference by Legal and Natural Persons

1. Subject to the provisions of Article 27 of this Treaty, any person who is resident in a Partner State may refer for determination by the Court, the legality of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community on the grounds that such Act, regulation, directive, decision or action is unlawful or is an infringement of the provisions of this Treaty.

2. The proceedings provided for in this Article shall be instituted within two months of the enactment, publication, directive, decision or action complained of, or in the absence thereof, of the day in which it came to the knowledge of the complainant, as the case may be;

3. The Court shall have no jurisdiction under this Article where an Act, regulation, directive, decision or action has been reserved under this Treaty to an institution of a Partner State.

ARTICLE 31

Disputes between the Community and its Employees

The Court shall have jurisdiction to hear and determine disputes between the Community and its employees that arise out of the terms and conditions of employment of the employees of the Community or the application and interpretation of the staff rules and regulations and terms and conditions of service of the Community.

ARTICLE 32

Arbitration Clauses and Special Agreements

The Court shall have jurisdiction to hear and determine any matter:

(a) arising from an arbitration clause contained in a contract or agreement which confers such jurisdiction to which the Community or any of its institutions is a party; or

(b) arising from a dispute between the Partner States regarding this Treaty if the dispute is submitted to it under a special agreement between the Partner States concerned; or

(c) arising from an arbitration clause contained in a commercial contract or agreement in which the parties have conferred jurisdiction on the Court.

ARTICLE 33

Jurisdiction of National Courts

1. Except where jurisdiction is conferred on the Court by this Treaty, disputes to which the Community is a party shall not on that ground alone, be excluded from the jurisdiction of the national courts of the Partner States.

2. Decisions of the Court on the interpretation and application of this Treaty shall have precedence over decisions of national courts on a similar matter.

ARTICLE 34

Preliminary Rulings of National Courts

Where a question is raised before any court or tribunal of a Partner State concerning the interpretation or application of the provisions of this Treaty or the validity of the regulations, directives, decisions or actions of the Community, that court or tribunal shall, if it considers that a ruling on the question is necessary to enable it to give judgment, request the Court to give a preliminary ruling on the question.

ARTICLE 35

Judgment of the Court

1. The Court shall consider and determine every reference made to it pursuant to this Treaty in accordance with rules of the Court and shall deliver in public session, a reasoned judgment:

Provided that if the Court considers that in the special circumstances of the case it is undesirable that its judgment be delivered in open court, the Court may make an order to that effect and deliver its judgment before the parties privately.

2. The Court shall deliver one judgment only in respect of every reference to it, which shall be the judgment of the Court reached in private by majority verdict:

Provided that a Judge may deliver a dissenting judgment.

2. An application for review of a judgment may be made to the Court only if it is based upon the discovery of some fact which by its nature might have had a decisive influence on the judgment if it had been known to the Court at the time the judgment was given, but which fact, at that time, was unknown to both the Court and the party making the application, and which could not, with reasonable diligence, have been discovered by that party before the judgment was made, or on account of some mistake, fraud or error on the face of the record or because an injustice has been done.

ARTICLE 35A

Appeals

1. An appeal from the judgment or any order of the First Instance Division of the Court shall lie to the Appellate Division on-

(a) points of law;
(b) grounds of lack of jurisdiction; or
(c) procedural irregularity.

ARTICLE 36

Advisory Opinions of the Court

1. The Summit, the Council or a Partner State may request the Court to give an advisory opinion regarding a question of law arising from this Treaty which affects the Community, and the Partner State, the Secretary General or any other Partner State shall in the case of every such request have the right to be represented and take part in the proceedings.

2. A request for an advisory opinion under paragraph 1 of this Article shall contain an exact statement of the question upon which an opinion is required and shall be accompanied by all relevant documents likely to be of assistance to the Court.

3. Upon the receipt of the request under paragraph 1 of this Article, the Registrar shall immediately give notice of the request, to all the Partner States, and shall notify them that the Court shall be prepared to accept, within a time fixed by the President of the Court, written submissions, or to hear oral submissions relating to the question.

4. In the exercise of its advisory function, the Court shall be governed by this Treaty and rules of the Court relating to references of disputes to the extent that the Court considers appropriate.

ARTICLE 37

Appearance before the Court

1. Every party to a dispute or reference before the Court may be represented by an advocate entitled to appear before a superior court of any of the Partner States appointed by that party.

2. The Counsel to the Community shall be entitled to appear before the Court in any matter in which the Community or any of its institutions is a party or in respect of any matter where the Counsel to the Community thinks that such an appearance would be desirable.

ARTICLE 38

Acceptance of Judgments of the Court

1. Any dispute concerning the interpretation or application of this Treaty or any of the matters referred to the Court pursuant to this Chapter shall not be subjected to any method of settlement other than those provided for in this Treaty.

2. Where a dispute has been referred to the Council or the Court, the Partner States shall refrain from any action which might be detrimental to the resolution of the dispute or might aggravate the dispute.

3. A Partner State or the Council shall take, without delay, the measures required to implement a judgment of the Court.

ARTICLE 39

Interim Orders

The Court may, in a case referred to it, make any interim orders or issue any directions which it considers necessary or desirable. Interim orders and other directions issued by the Court shall have the same effect ad interim as decisions of the Court.

ARTICLE 40

Intervention

A Partner State, the Secretary General or a resident of a Partner State who is not a party to a case before the Court may, with leave of the Court, intervene in that case, but the submissions of the intervening party shall be limited to evidence supporting or opposing the arguments of a party to the case.

ARTICLE 41

Proceedings

1. The quorum for deliberations of the Court shall be prescribed in rules of the Court.

2. The proceedings before the Court shall be either written or oral.

3. The record of each hearing shall be signed by the President or Vice President of the Court and shall be kept and maintained by the Registrar.

ARTICLE 42

Rules of the Court and Oaths of Office

1. The Court shall make rules of the Court which shall, subject to the provisions of this Treaty, regulate the detailed conduct of the business of the Court.

2. The Secretary General shall prepare the oath and declarations that the Judges and the Registrar of the Court shall take before the Summit upon their appointment or make upon entering into their duties.

ARTICLE 43

Immunity of the Judges and the Holding of Other Offices

1. The Judges of the Court shall be immune from legal action for any act or omission committed in the discharge of their judicial functions under this Treaty.

2. A Judge of the Court shall neither hold any political office or any office in the service of a Partner State or the Community nor engage in any trade, vocation or profession that is likely to interfere or create a conflict of interest to his or her position.

ARTICLE 44

Execution of Judgments

The execution of a judgment of the Court which imposes a pecuniary obligation on a person shall be governed by the rules of civil procedure in force in the Partner State in which execution is to take place. The order for execution shall be appended to the judgment of the Court which shall require only the verification of the authenticity of the judgment by the Registrar whereupon, the party in whose favour execution is to take place, may proceed to execute the judgment.

ARTICLE 45

Registrar of the Court and Other Staff

1. The Council shall appoint a Registrar of the Court from among citizens of the Partner States qualified to hold such high judicial office in their respective Partner States.

2. The Court shall employ such other staff as may be required to enable it to perform its functions and who shall hold office in the service of the Court.

3. The salary and other conditions of service of the Registrar and other staff of the Court shall be determined by the Council.

4. Notwithstanding the provisions of paragraph 1 of this Article the Registrar shall be responsible to the President of the Court for the day to day administration of the business of the Court. The Registrar shall also carry out the duties imposed upon him by this Treaty and rules of the Court.

ARTICLE 46

Official Language of the Court

The official language of the Court shall be English.

ARTICLE 47

Seat of the Court

The Seat of the Court shall be determined by the Summit.

CHAPTER NINE

THE EAST AFRICAN LEGISLATIVE ASSEMBLY

ARTICLE 48

Membership of the Assembly

1. The membership of the Assembly shall comprise-

   (a) nine members elected by each Partner State; and

   (b) ex-officio members consisting of:

      (i) the Minister responsible for East African Community affairs from each Partner State; and

      (ii) the Assistant Minister or Deputy Minister or Minister of State responsible for East African Community affairs from each Partner State:

      Provided that an Assistant Minister, Deputy Minister or Minister of State may only participate in the meetings of the Assembly when the substantive Minister responsible for East African Community affairs is for any reason unable to participate; and

      (iii) the Secretary General and the Counsel to the Community.

2. The Speaker of the Assembly shall preside over and take part in its proceedings in accordance with the rules of procedure of the Assembly.

3. The Assembly shall have committees which shall be constituted in the manner provided in the rules of procedure of the Assembly and shall perform the functions provided in respect thereof in the said rules of procedure.

4. The Council shall appoint a Clerk of the Assembly and other officers of the Assembly whose salaries and other terms and conditions of service shall be determined by the Council.

ARTICLE 49

Functions of the Assembly

1. The Assembly shall be the legislative organ of the Community.

2. The Assembly:

   (a) shall liaise with the National Assemblies of the Partner States on matters relating to the Community;

   (b) shall debate and approve the budget of the Community;

   (c) shall consider annual reports on the activities of the Community, annual audit reports of the Audit Commission and any other reports referred to it by the Council;

   (d) shall discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty;

   (e) may for purposes of carrying out its functions, establish any committee or committees for such purposes as it deems necessary;

   (f) shall recommend to the Council the appointment of the Clerk and other officers of the Assembly; and

   (g) shall make its rules of procedure and those of its committees.

3. The Assembly may perform any other functions as are conferred upon it by this Treaty.

ARTICLE 50

Election of Members of the Assembly

1. The National Assembly of each Partner State shall elect, not from among its members, nine members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine.

2. A person shall be qualified to be elected a member of the Assembly by the National Assembly of a Partner State in accordance with paragraph 1 of this Article if such a person:

(a) is a citizen of that Partner State;

(b) is qualified to be elected a member of the National Assembly of that Partner State under its Constitution;

(c) is not holding office as a Minister in that Partner State;

(d) is not an officer in the service of the Community; and

(e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

ARTICLE 51

Tenure of Office of Elected Members

1. Subject to this Article, an elected member of the Assembly shall hold office for five years and be eligible for re-election for a further term of five years.

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

3. An elected member of the Assembly shall vacate his or her seat in the Assembly upon the happening of any of the following events:

(a). upon the delivery of his or her resignation in writing to the Speaker of the Assembly;

(b) upon his or her ceasing to be qualified for election as an elected member;

(c) upon his or her election or nomination as a member of the National Assembly of a Partner State;

(d) upon his or her appointment as a Minister in the Government of a Partner State;

(e) upon his or her having been absent from the Assembly for such period and in such circumstances as are prescribed by the rules of procedure of the Assembly; or

(f) upon his or her conviction by a Court of competent jurisdiction of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision.

ARTICLE 52

Questions as to Membership of the Assembly

1. Any question that may arise whether any person is an elected member of the Assembly or whether any seat on the Assembly is vacant shall be determined by the institution of the Partner State that determines questions of the election of members of the National Assembly responsible for the election in question.

2. The National Assembly of the Partner States shall notify the Speaker of the Assembly of every determination made under paragraph 1 of this Article.

ARTICLE 53

Speaker of the Assembly

1. The Speaker of the Assembly shall be elected on rotational basis by the elected members of the Assembly from among themselves to serve for a period of five years.

2. The Speaker of the Assembly shall vacate his or her office:

(a) upon the expiry of the period for which he or she was elected;

(b) if he or she delivers his or her resignation in writing to the elected members; or

(c) if he or she ceases to be qualified for election as Speaker of the Assembly.

3. The Speaker of the Assembly may be removed from office by a resolution supported by not less than two thirds majority of the elected members for inability to perform the functions of his or her office, whether arising from infirmity of mind or body or for misconduct.

ARTICLE 54

Invitation of Persons to Assist the Assembly

1. The Speaker of the Assembly, may invite any person to attend the Assembly, notwithstanding that he or she is not a member of the Assembly, if in

his or her opinion the business before the Assembly renders his or her presence desirable.

2. The rules of procedure of the Assembly shall make provisions for a person so invited to take part in the proceedings of the Assembly relating to the matters in respect of which he or she was invited.

ARTICLE 55

Meetings of the Assembly

1. The meetings of the Assembly shall be held at such times and places as the Assembly may appoint.

2. Subject to the provisions of paragraph 1 of this Article, the Assembly shall meet at least once in every year at Arusha in the United Republic of Tanzania and at a time to be determined by the Assembly.

ARTICLE 56

Presiding in the Assembly

There shall preside at any sitting of the Assembly:

(a) the Speaker of the Assembly, or

(b) in the absence of the Speaker of the Assembly, such elected member of the Assembly as the elected members may elect for the sitting.

ARTICLE 57

Quorum and Vacancies in the Assembly

1. Subject to this Article, the rules of procedure of the Assembly shall make provision as to the number and composition of the elected members that shall constitute a quorum of the Assembly.

2. In reckoning the number of members who are present for the purposes of paragraph 1 of this Article, the person presiding shall not be taken into account.

3. The Assembly may transact business notwithstanding that there is a vacancy among its members, and the attendance or participation of any person not entitled to attend or participate in the proceedings of the Assembly shall not invalidate those proceedings.

ARTICLE 58

Voting in the Assembly

1. All questions proposed for decision in the Assembly shall be determined by a majority of the votes of the members present and voting.

2. The ex-officio members of the Assembly shall not be entitled to vote in the Assembly.

3. When in the absence of the Speaker of the Assembly a member is presiding in the Assembly, the member presiding shall retain his or her right to vote.

4. If the votes of the members are equally divided upon any motion before the Assembly, the motion shall be lost.

ARTICLE 59

Bills and Motions in the Assembly

1. Subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly:

> Provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly.

2. The Assembly shall not:

(a) proceed on any Bill, including an amendment to any Bill, that, in the opinion of the person presiding, makes provision for any of the following purposes:

(i) for the imposition of any charge upon any fund of the Community;

(ii) for the payment, issue or withdrawal from any fund of the Community of any moneys not charged thereon or the increase in the amount of any such payment, issue or withdrawal;

(iii) for the remission of any debt due to the Community; or

(b) proceed upon any motion, including any amendment to a motion, the effect of which, in the opinion of the person presiding, would be to make provision for any of the said purposes.

3. In addition to the provisions of paragraphs 1 and 2 of this Article:

(a) the Council shall publish annually and present to a meeting of the Assembly a general report on the activities of the Community and which the Assembly shall consider at its meeting;

(b) the Assembly may by a majority of votes cast request the Council to submit any appropriate proposals on matters on which it considers that action is required on the part of the Community for the purpose of implementing this Treaty; and

(c) the Assembly shall hold an annual debate on the report to be submitted to it by the Council on progress made by the Community in the development of its common foreign and security policies.

ARTICLE 60

Rules of Procedure of the Assembly

The Assembly may make, amend, add to or revoke rules governing the procedure of the Assembly.

ARTICLE 61

Powers, Privileges and Immunities of the Assembly and its Members

1. The Members of the Assembly shall be immune from legal action for any acts of omission or commission in the discharge of their functions under this Treaty.

2. The Community may, for the orderly and effective discharge of the business of the Assembly, enact legislation for the powers, privileges and immunities of the Assembly, its Committees and members.

ARTICLE 62

Acts of the Community

1. The enactment of legislation of the Community shall be effected by means of Bills passed by the Assembly and assented to by the Heads of State, and every Bill that has been duly passed and assented to shall be styled an Act of the Community.

2. When a Bill has been duly passed by the Assembly the Speaker of the Assembly shall submit the Bill to the Heads of State for assent.

3. Every Bill that is submitted to the Heads of State under paragraph 2 of this Article shall contain the following words of enactment:

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

ARTICLE 63

Assent to Bills

1. The Heads of State may assent to or withhold assent to a Bill of the Assembly.

2. A Bill that has not received assent as provided for in paragraph 1 of this Article within three months from the date on which it was passed by the Assembly shall be referred back to the Assembly, giving reasons, and with a request that the Bill or a particular provision thereof be reconsidered by the Assembly.

3. If the Assembly discusses and approves the Bill, the Bill shall be re-submitted to the Heads of State for assent.

4. If a Head of State withholds assent to a re-submitted Bill, the Bill shall lapse.

ARTICLE 64

Publication of Acts of the Community

The Secretary General shall cause every Act of the Community to be published in the Gazette.

ARTICLE 65

Relations Between the Assembly and the National Assemblies of the Partner States

In pursuance of the policy of the Community of popular participation in the achievement of its objectives and so that the Council may be able to take into account in the exercise of its functions, the opinion of the general public in the Partner States on matters relating to the achievement of the objectives of the Community as expressed through the debates of the elected members of their National Assemblies, and those of the Assembly and to foster co-operation between the Assembly and the National Assemblies of the Partner States hereinafter referred to as "the National Assemblies":

(a) the Clerk of the Assembly shall as soon as practicable transmit to the Clerks of the National Assemblies copies of the records of all relevant debates of the meetings of the Assembly to be laid before the National Assemblies, by the respective Ministers responsible for East African Community affairs;

(b) the Clerk of the Assembly shall as soon as practicable transmit to the Clerks of the National Assemblies copies of the Bills introduced into the Assembly and Acts of the Community to be laid before the National Assemblies for information;

(c) the Clerks of the National Assemblies shall as soon as practicable transmit to the Clerk of the Assembly copies of the records of all relevant debates of the meetings of their National Assemblies other than those with respect to the matters laid before their National Assemblies in pursuance of the provisions of sub-paragraph (a) of this paragraph; and

(d) the Clerk of the Assembly shall as soon as practicable transmit to the Secretary General copies of all the records of debate referred to in sub-paragraphs (a) and (b) of this paragraph for information to the Council.

CHAPTER TEN

THE SECRETARIAT AND STAFF OF THE COMMUNITY

ARTICLE 66

Establishment of the Secretariat

The Secretariat shall be the executive organ of the Community.

There shall be the following offices in the service of the Community:

(a) Secretary General;

(b) Deputy Secretaries General;

(c) Counsel to the Community; and

(d) such other offices as may be deemed necessary by the Council.

ARTICLE 67

Secretary General

1. The Secretary General shall be appointed by the Summit upon nomination by the relevant Head of State under the principle of rotation.

2. Upon the appointment of the Secretary General the Partner State from which he or she is appointed shall forfeit the post of Deputy Secretary General.

3. The Secretary General shall be the principal executive officer of the Community and shall:

(a) be the head of the Secretariat;

(b) be the Accounting Officer of the Community;

(c) be the Secretary of the Summit; and

(d) carry out such other duties as are conferred upon him by this Treaty or by the Council from time to time.

4. The Secretary General shall serve a fixed five year term.

5. The terms and conditions of service of the Secretary General shall be determined by the Council and approved by the Summit.

ARTICLE 68

Deputy Secretaries General

1. The Council shall determine the number of Deputy Secretaries General.

2. The Deputy Secretaries General shall be appointed by the Summit on recommendations of the Council and on a rotational basis.

3. The Deputy Secretaries General shall:

   (a) deputise for the Secretary General; and

   (b) perform such other duties as may be prescribed by the Council.

4. The Deputy Secretaries General shall each serve a three year term, renewable once.

5. The terms and conditions of service of the Deputy Secretaries General shall be determined by the Council and approved by the Summit.

ARTICLE 69

Counsel to the Community

1. There shall be a Counsel to the Community who shall be the principal legal adviser to the Community.

2. The Counsel to the Community shall perform such duties as are conferred upon him or her by this Treaty and by the Council.

3. The Counsel to the Community shall be appointed on contract and in accordance with the staff rules and regulations and terms and conditions of service of the Community.

4. The other terms and conditions of service of the Counsel to the Community shall be determined by the Council.

ARTICLE 70

Other Officers and Staff of the Secretariat

1. There shall be such other officers and staff in the service of the Community as the Council may determine.

2. All staff of the Secretariat shall be appointed on contract and in accordance with staff rules and regulations and terms and conditions of service of the Community.

3. The salaries, job design and other terms and conditions of service of the staff in the service of the Community shall be determined by the Council.

ARTICLE 71

Functions of the Secretariat

1. The Secretariat shall be responsible for:

   (a) initiating, receiving and submitting recommendations to the Council, and forwarding of Bills to the Assembly through the Co-ordination Committee;

   (b) the initiation of studies and research related to, and the implementation of, programmes for the most appropriate, expeditious and efficient ways of achieving the objectives of the Community;

   (c) the strategic planning, management and monitoring of programmes for the development of the Community;

   (d) the undertaking either on its own initiative or otherwise, of such investigations, collection of information, or verification of matters relating to any matter affecting the Community that appears to it to merit examination;

   (e) the co-ordination and harmonisation of the policies and strategies relating to the development of the Community through the Co-ordination Committee;

   (f) the general promotion and dissemination of information on the Community to the stakeholders, the general public and the international community;

(g) the submission of reports on the activities of the Community to the Council through the Co-ordination Committee;

(h) the general administration and financial management of the Community;

(i) the mobilisation of funds from development partners and other sources for the implementation of projects of the Community;

(j) subject to the provisions of this Treaty, the submission of the budget of the Community to the Council for its consideration;

(k) proposing draft agenda for the meetings of the organs of the Community other than the Court and the Assembly;

(l) the implementation of the decisions of the Summit and the Council;

(m) the organisation and the keeping of records of meetings of the institutions of the Community other than those of the Court and the Assembly;

(n) the custody of the property of the Community;

(o) the establishment of practical working relations with the Court and the Assembly; and

(p) such other matters that may be provided for under this Treaty.

2. For the purposes of paragraph 1 of this Article, the Secretary General shall where he or she thinks it appropriate, act on behalf of the Secretariat.

3. The Deputy Secretaries General shall assist the Secretary General in the discharge of his or her functions.

4. The Counsel to the Community shall be the principal legal adviser to the Community in connection with matters pertaining to this Treaty and the Community and he or she shall by virtue of this paragraph be entitled to appear in the Courts of the Partner States in respect of matters pertaining to the Community and this Treaty.

ARTICLE 72

Relationship Between the Secretariat and the Partner States

1. In the performance of their functions, the staff of the Community shall not seek or receive instructions from any Partner State or from any other authority external to the Community. They shall refrain from any actions which may adversely reflect on their position as international civil servants and shall be responsible only to the Community.

2. A Partner State shall not, by or under any law of that Partner State, confer any power or impose any duty upon an officer, organ or institution of the Community as such, except with the prior consent of the Council.

3. Each Partner State undertakes to respect the international character of the responsibilities of the institutions and staff of the Community and shall not seek to influence them in the discharge of their functions.

4. The Partner States agree to co-operate with and assist the Secretariat in the performance of its functions as set out in Article 71 of this Treaty and agree in particular to provide any information which the Secretariat may request for the purpose of discharging its functions.

ARTICLE 73

Immunities

1. Persons employed in the service of the Community:

   (a) shall be immune from civil process with respect to omissions or acts performed by them in their official capacity; and

   (b) shall be accorded immunities from immigration restrictions and alien registration.

2. Experts or consultants rendering services to the Community and delegates of the Partner States while performing services to the Community or while in transit in the Partner States to perform the services of the Community shall be accorded such immunities and privileges in the Partner States as the Council may determine.

CHAPTER ELEVEN

CO-OPERATION IN TRADE LIBERALISATION AND DEVELOPMENT

ARTICLE 74

East African Trade Regime

In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, and in furtherance of Article 2 of this Treaty, the Partner States shall develop and adopt an East African Trade Regime and co-operate in trade liberalisation and development in accordance therewith.

ARTICLE 75

Establishment of a Customs Union

1. For purposes of this Chapter, the Partner States agree to establish a Customs Union details of which shall be contained in a Protocol which shall, inter alia, include the following:

(a) The application of the principle of asymmetry;
(b) The elimination of internal tariffs and other charges of equivalent effect;
(c) The elimination of non-tariff barriers;
(d) Establishment of a common external tariff;
(e) Rules of origin;
(f) Dumping;
(g) Subsidies and countervailing duties;
(h) Security and other restrictions to trade;
(i) Competition;
(j) Duty drawback, refund and remission of duties and taxes;
(k) Customs co-operation;
(l) Re-exportation of goods; and
(m) Simplification and harmonisation of trade documentation and procedures.

2. The establishment of the Customs Union shall be progressive in the course of a transitional period as shall be determined by the Council.

3. For purposes of this Article, the Council may establish and confer powers and authority upon such institutions as it may deem necessary to administer the

Customs Union.

4. With effect from a date to be determined by the Council, the Partner States shall not impose any new duties and taxes or increase existing ones in respect of products traded within the Community and shall transmit to the Secretariat all information on any tariffs for study by the relevant institutions of the Community.

5. Except as may be provided for or permitted under this Treaty, the Partner States agree to remove all the existing non-tariff barriers on the importation into their territory of goods originating from the other Partner States and thereafter to refrain from imposing any further non-tariff barriers.

6. The Partner States shall refrain from enacting legislation or applying administrative measures which directly or indirectly discriminate against the same or like products of other Partner States.

7. For purposes of this Article, the Partner States shall within a period of four years conclude the Protocol on the Establishment of a Customs Union.

ARTICLE 76

Establishment of a Common Market

1. There shall be established a Common Market among the Partner States. Within the Common Market, and subject to the Protocol provided for in paragraph 4 of this Article, there shall be free movement of labour, goods, services, capital, and the right of establishment.

2. The establishment of the Common Market shall be progressive and in accordance with schedules approved by the Council.

3. For purposes of this Article, the Council may establish and confer powers and authority upon such institutions as it may deem necessary to administer the Common Market.

4. For the purpose of this Article, the Partner States shall conclude a Protocol on a Common Market.

ARTICLE 77

Measures to Address Imbalances Arising from the Application of the Provisions for the Establishment of a Customs Union and a Common Market

For purposes of this Article, the Partner States shall within the framework of the Protocols provided for under Articles 75 and 76 of this Treaty, take measures to address imbalances that may arise from the application of the provisions of this Treaty.

ARTICLE 78

Safeguard Clause

1. In the event of serious injury occurring to the economy of a Partner State following the application of the provisions of this Chapter, the Partner State concerned shall, after informing the Council through the Secretary General and the other Partner States, take necessary safeguard measures.

2. The Council shall examine the method and effect of the application of existing safeguard measures and take decisions thereon.

CHAPTER TWELVE

CO-OPERATION IN INVESTMENT AND INDUSTRIAL DEVELOPMENT

ARTICLE 79

Industrial Development

In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States shall take such steps in the field of industrial development that will:

(a) promote self-sustaining and balanced industrial growth;

(b) improve the competitiveness of the industrial sector so as to enhance the expansion of trade in industrial goods within the Community and the export of industrial goods from the Partner States in order to achieve the structural transformation of the economy that would foster the overall socio-economic development in the Partner States; and

(c)` encourage the development of indigenous entrepreneurs.

ARTICLE 80

Strategy and Priority Areas

1. For purposes of Article 79 of this Treaty, the Partner States shall take measures to:

(a) develop an East African Industrial Development Strategy;

(b) promote linkages among industries within the Community through diversification, specialisation and complementarity, in order to enhance the spread effects of industrial growth and to facilitate the transfer of technology;

(c) facilitate the development of:

(i) small-and-medium scale industries including sub-contracting and other relations between larger and smaller firms;

(ii) basic capital and intermediate goods industries for the purposes of obtaining the advantages of economies of scale; and

(iii) food and agro industries;

(d) rationalise investments and the full use of established industries so as to promote efficiency in production;

(e) promote industrial research and development and the transfer, acquisition, adaptation and development of modern technology, training, management and consultancy services through the establishment of joint industrial institutions and other infrastructural facilities;

(f) harmonise and rationalise investment incentives including those relating to taxation of industries particularly those that use local materials and labour with a view to promoting the Community as a single investment area;

(g) disseminate and exchange industrial and technological information;

(h) avoid double taxation; and

(i) maintain the standardisation, quality assurance, metrology and testing currently applicable and such other standards as may be adopted by the Council after the signing of this Treaty for goods and services produced and traded among the Partner States pending the conclusion of a protocol under paragraph 4 of Article 81 of this Treaty.

2. The Partners States shall take such other measures for the purposes of Article 79 of this Treaty as the Council may determine.

CHAPTER THIRTEEN

CO-OPERATION IN STANDARDISATION, QUALITY ASSURANCE, METROLOGY AND TESTING

ARTICLE 81

Standardisation, Quality Assurance, Metrology and Testing

1. The Partner States agree that standardisation, quality assurance, metrology and testing can facilitate sustainable modernisation in the Community.

2. The Partner States also recognise the significance of standardisation, quality assurance, metrology and testing in the enhancement of the standard of living, reduction of unnecessary variety of products, the facilitation of interchangeability of products, the promotion of trade and investment, consumer protection, the enhancement of savings in public and private purchasing, improved productivity, the facilitation of information exchange, the promotion of health as well as the protection of life, property, and the environment.

3. The Partner States undertake to evolve and apply a common policy for the standardisation, quality assurance, metrology and testing of goods and services produced and traded within the Community.

4. The Partner States agree to conclude a protocol on Standardisation, Quality Assurance, Metrology and Testing for the goods and services produced and traded in the Community.

CHAPTER FOURTEEN

MONETARY AND FINANCIAL CO-OPERATION

ARTICLE 82

Scope of Co-operation

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States undertake to co-operate in monetary and fiscal matters in accordance with the approved macro-economic policies harmonisation programmes and convergence framework of the Community in order to establish monetary stability within the Community aimed at facilitating economic integration efforts and the attainment of sustainable economic development of the Community. To this end, the Partner States shall:

(a) co-operate in monetary and financial matters and maintain the convertibility of their currencies as a basis for the establishment of a Monetary Union;

(b) harmonise their macro-economic policies especially in exchange rate policy, interest rate policy, monetary and fiscal policies; and

(c) remove obstacles to the free movement of goods, services and capital within the Community.

2. The Partner States shall in order to implement the provisions of paragraph 1 of this Article, inter alia:

(a) maintain the existing convertibility of their currencies to promote the use of national currencies in the settlement of payments for all transactions among the Partner States thereby economising on the use of foreign currency;

(b) take measures that would facilitate trade and capital movement within the Community;

(c) develop, harmonise and eventually integrate the financial systems of the Partner States; and

(d) implement the provisions of this Treaty relating to monetary and financial co-operation.

ARTICLE 83

Monetary and Fiscal Policy Harmonisation

1. The Partner States undertake to adopt policy measures in accordance with an agreed macro-economic policy framework.

2. For the purposes of paragraph 1 of this Article, the Partner States undertake to:

(a) remove all exchange restrictions on imports and exports within the Community;

(b) maintain free market determined exchange rates and enhance the levels of their international reserves;

(c) adjust their fiscal policies and net domestic credit to the government to ensure monetary stability and the achievement of sustained economic growth;

(d) liberalise their financial sectors by freeing and deregulating interest rates with a view to achieving positive real interest rates in order to promote savings for investment within the Community and to enhance competition and efficiency in their financial systems; and

(e) harmonise their tax policies with a view to removing tax distortions in order to bring about a more efficient allocation of resources within the Community.

ARTICLE 84

Macro-economic Co-ordination Within the Community

1. The Partner States shall co-ordinate through the Council their macro-economic policies and economic reform programmes with a view to promoting the socio-economic development of the Community.

2. In order to achieve balanced development within the Community, the Partner States undertake to evolve policies designed to improve their resource and production base.

ARTICLE 85

Banking and Capital Market Development

The Partner States undertake to implement within the Community, a capital market development programme to be determined by the Council and shall create a conducive environment for the movement of capital within the Community. To this end, the Partner States shall:

(a) take steps to achieve wider monetisation of the region's economies under a liberalised market economy;

(b) harmonise their banking Acts;

(c) harmonise capital market policies on cross-border listing, foreign portfolio investors, taxation of capital market transactions, accounting, auditing and financial reporting standards, procedures for setting commissions and other charges;

(d) harmonise the regulatory and legislative frameworks and regulatory structures;

(e) harmonise and implement common standards for market conduct;

(f) harmonise policies impacting on capital markets, particularly the granting of incentives for the development of capital markets within the region;

(g) promote co-operation among the stock-exchanges and capital markets and securities regulators within the region through mutual assistance and the exchange of information and training;

(h) promote the establishment of a regional stock exchange within the Community with trading floors in each of the Partner States;

(i) ensure adherence by their appropriate national authorities to harmonised stock trading systems, the promotion of monetary instruments and to permitting residents of the Partner States to acquire and negotiate monetary instruments freely within the Community;

(j) establish within the Community a cross listing of stocks, a rating system of listed companies and an index of trading performance to facilitate the negotiation and sale of shares within and external to the Community; and

(k) institute measures to prevent money laundering activities.

ARTICLE 86

Movement of Capital

The Partner States shall in accordance with the time table to be determined by the Council, permit the free movement of capital within the Community, develop, harmonise and eventually integrate their financial systems. In this regard, the Partner States shall:

(a) ensure the unimpeded flow of capital within the Community through the removal of controls on the transfer of capital among the Partner States;

(b) ensure that the citizens of and persons resident in a Partner State are allowed to acquire stocks, shares and other securities or to invest in enterprises in the other Partner States; and

(c) encourage cross-border trade in financial instruments.

ARTICLE 87

Joint Project Financing

1. The Partner States undertake to co-operate in financing projects jointly in each other's territory, especially those that facilitate integration within the Community.

2. The Partner States undertake to co-operate in the mobilisation of foreign capital for the financing of national and joint projects.

ARTICLE 88

Safeguard Measures

The Council may approve measures designed to remedy any adverse effects a Partner State may experience by reason of the implementation of the provisions of this Chapter, provided that such a Partner State shall furnish to the Council proof that it has taken all reasonable steps to overcome the difficulties, and that such measures are applied on a non-discriminatory basis.

CHAPTER FIFTEEN

CO-OPERATION IN INFRASTRUCTURE AND SERVICES

ARTICLE 89

Common Transport and Communications Policies

In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States undertake to evolve co-ordinated, harmonised and complementary transport and communications policies; improve and expand the existing transport and communication links; and establish new ones as a means of furthering the physical cohesion of the Partner States, so as to facilitate and promote the movement of traffic within the Community. To this end, the Partner States shall take steps, inter alia, to:

(a) develop harmonised standards and regulatory laws, rules, procedures and practices;

(b) construct, maintain, upgrade, rehabilitate and integrate roads, railways, airports, pipelines and harbours in their territories;

(c) review and re-design their intermodal transport systems and develop new routes within the Community for the transport of the type of goods and services produced in the Partner States;

(d) maintain, expand and upgrade communication facilities to enhance interaction between persons and businesses in the Partner States and promote the full exploitation of the market and investment opportunities created by the Community;

(e) grant special treatment to land-locked Partner States in respect of the application of the provisions of this Chapter;

(f) provide security and protection to transport systems to ensure the smooth movement of goods and persons within the Community;

(g) take measures directed towards the harmonisation and joint use of facilities and programmes within their existing national institutions for the training of personnel in the field of transport and communications; and

(h) exchange information on technological developments in transport and communications.

ARTICLE 90

Roads and Road Transport

The Partner States shall:

(a) take measures to ratify or accede to international conventions on road traffic and road signs and signals and take such steps as may be necessary to implement these conventions;

(b) harmonise their traffic laws, regulations and highway codes and adopt a common definition of classes of roads and route numbering systems;

(c) harmonise the provisions of their laws concerning licensing, equipment, markings and registration numbers of vehicles for travel and transport within the Community;

(d) adopt common standards for vehicle construction, vehicle inspection and vehicle inspection centres;

(e) adopt common standards and regulations for driver training and licensing;

(f) adopt common requirements for the insurance of goods and vehicles;

(g) adopt common regulations governing speed limits on urban roads and highways;

(h) adopt and establish common road safety regulations, accident rescue, first aid, medical care and post-trauma systems within the Community;

(i) prescribe minimum safety requirements for packaging, loading and transporting of dangerous substances;

(j) establish common measures for the facilitation of road transit traffic;

(k) harmonise rules and regulations concerning special transport requiring security;

(l) adopt common rules and regulations governing the dimensions, technical requirements, gross weight and load per axle of vehicles used in trunk roads within the Community;

(m) co-ordinate activities with respect to the construction of trunk roads connecting the Partner States to common standards of design and in the maintenance of existing road networks to such standards as will enable the carriers of other Partner States to operate to and from their territories efficiently;

(n) co-ordinate their activities in the maintenance, rehabilitation, upgrading and reconstruction of the trunk road networks connecting the Partner States and ensure that such road networks once rehabilitated will not be allowed to disintegrate;

(o) adopt a co-ordinated approach in the implementation of trunk road projects connecting the Partner States;

(p) agree on common policies and standards for the manufacture and the maintenance of road transport equipment;

(q) establish common road design and construction standards for the trunk roads connecting the Partner States and promote the use, as much as possible, of local materials and resources;

(r) adopt common and simplified documentation procedures for road transportation within the Community and harmonise road transit charges;

(s) gradually reduce and finally eliminate non-physical barriers to road transport within the Community;

(t) ensure that common carriers from other Partner States have the same opportunities and facilities as common carriers in their territories in the undertaking of transport operations within the Community;

(u) ensure that the treatment of motor transport operators engaged in transport within the Community from other Partner States is not less favourable than that accorded to the operators of similar transport from their own territories;

(v) make road transport efficient and cost effective by promoting competition and introducing regulatory framework to facilitate the road haulage industry operations;

(w) exchange information and experience on issues common to roads and road transport within the Community; and

(x) encourage the use and development of low cost and non-motorised transport in the Community's transport policies.

ARTICLE 91

Railways and Rail Transport

1. The Partner States agree to establish and maintain co-ordinated railway services that would efficiently connect the Partner States within the Community and, where necessary, to construct additional railway connections.

2. The Partner States shall, in particular:

(a) adopt common policies for the development of railways and railway transport in the Community;

(b) make their railways more efficient and competitive through, inter alia, autonomous management and improvement of infrastructure;

(c) adopt common safety rules, regulations and requirements with regard to signs, signals, rolling stock, motive power and related equipment and the transport of dangerous substances;

(d) adopt measures for the facilitation, harmonisation and rationalisation of railway transport within the Community;

(e) harmonise and simplify documents required for railway transport within the Community;

(f) harmonise procedures with respect to the packaging, marking and loading of goods and wagons for railway transport within the Community;

(g) agree to charge non-discriminatory tariffs in respect of goods transported by railway within the Community;

(h) consult each other on proposed measures that may affect railway transport within the Community;

(i) integrate the operations of their railway administrations including the synchronisation of train schedules and the operations of unit trains;

(j) establish common standards for the construction and maintenance of railway facilities;

(k) agree on common policies for the manufacture of railway transport equipment and railway facilities;

(l) agree to allocate space for the storage of goods transported by railway from each other within their goods sheds;

(m) take measures to facilitate thorough working of trains within the Community;

(n) facilitate the deployment of railway rolling stock, motive power and related equipment for the conveyance of goods to and from each other without discrimination;

(o) endeavour to maintain the existing physical facilities of their railways to such standards as will enable the Partner States to operate their own systems within the Community in an efficient manner;

(p) provide efficient railway transport services among the Partner States on a non-discriminatory basis;

(q) facilitate joint utilisation of railway facilities including manufacture, maintenance and training facilities to ensure their optimal use; and

(r) promote co-operation in the fields of research and exchange of information.

ARTICLE 92

Civil Aviation and Civil Air transport

1. The Partner States shall harmonise their policies on civil aviation to promote the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology, as well as the role of aviation in support of other economic activities.

2. The Partner States shall take necessary steps to facilitate the establishment of joint air services and the efficient use of aircraft as steps towards the enhancement of air transportation within the Community.

3. The Partner States shall in particular:

(a) adopt common policies for the development of civil air transport in the Community in collaboration with other relevant international organisations including the African Civil Aviation Commission (AFCAC), the African Airlines Association (AFRAA), the International Air Transport Association (IATA), and International Civil Aviation Organisation (ICAO);

(b) undertake to make civil air transport services safe, efficient and profitable through, inter alia, autonomous management;

(c) liberalise the granting of air traffic rights for passengers and cargo operations with a view to increasing efficiency;

(d) harmonise civil aviation rules and regulations by implementing the provisions of the Chicago Convention on International Civil Aviation, with particular reference to Annex 9 thereof;

(e) establish a Unified Upper Area Control system;

(f) establish common measures for the facilitation of passenger and cargo air services in the Community;

(g) co-ordinate the flight schedules of their designated airlines;

(h) consider ways to develop, maintain and co-ordinate in common, their navigational, communications and meteorological facilities for the provision of safe air navigation and the joint management of their air space;

(i) encourage the joint use of maintenance and overhaul facilities and other services for aircraft, ground handling equipment and other facilities;

(j) agree to take common measures for the control and protection of the air space of the Community;

(k) apply the ICAO policies and guidelines in determining user charges and apply the same rules and regulations relating to scheduled air transport services among themselves;

(l) adopt common aircraft standards and technical specifications for the types of aircraft to be operated in the Community; and

(m) co-ordinate measures and co-operate in the maintenance of the high security required in respect of air services operations and operate joint search and rescue operations.

ARTICLE 93

Maritime Transport and Ports

The Partner States shall:

(a) promote the co-ordination and harmonisation of their maritime transport policies and establish a common maritime transport policy;

(b) promote the development of efficient and profitable sea port services through the liberalisation and commercialisation of port operations;

(c) make rational use of existing port installations;

(d) in the case of the coastal Partner States, co-operate with the land-locked Partner States and grant them easy access to port facilities and opportunities to participate in provision of port and maritime services;

(e) take measures to ratify or accede to international conventions on maritime transport;

(f) establish a harmonious traffic organisation system for the optimal use of maritime transport services;

(g) co-operate in the elaboration and application of measures to facilitate the arrival, stay and departure of vessels;

(h) promote co-operation among their port authorities in the management and operations of their ports and maritime transport so as to facilitate the efficient movement of traffic between their territories;

(i) agree to charge non-discriminatory tariffs in respect of goods from their territories and goods from other Partner States, except where their goods enjoy domestic transport subsidies, and apply the same rules and regulations in respect of maritime transport among themselves without discrimination;

(j) agree to allocate space on board their ships for goods consigned to or from the territories of other Partner States;

(k) install and maintain efficient cargo handling equipment, cargo storage facilities and general operations and train related manpower and where feasible shall undertake these jointly;

(l) agree to allocate adequate space for the storage of goods traded among themselves;

(m) co-ordinate measures with respect to, and co-operate in the maintenance of, the safety of maritime transport services, including joint search and rescue operations;

(n) provide adequate facilities with good communication systems that would receive and respond to signals promptly;

(o) inter-connect their national communication systems so as to identify polluted points in oceans for concerted marine pollution control;

(p) encourage their respective national shipping lines to form international shipping associations;

(q) review their national maritime legislation in accordance with the existing international maritime conventions.

ARTICLE 94

Inland Waterways Transport

The Partner States shall:

(a) harmonise their inland waterways transport policies and shall adopt, harmonise and simplify rules, regulations and administrative procedures governing waterways transport on their common navigable inland waterways;

(b) install and maintain efficient cargo handling equipment, cargo storage facilities and general operations and train related manpower resources and where possible shall undertake these jointly;

(c) encourage joint use of maintenance facilities;

(d) harmonise tariffs structure for waterways transport on their common navigable inland waterways;

(e) adopt common rules to govern the packaging, marking, loading and other procedures for waterways transport on their common navigable inland waterways;

(f) agree to charge the same tariffs in respect of goods transported within the Community and apply the same rules and regulations in respect of inland waterways transport among themselves without discrimination;

(g) agree to provide space without discrimination on board vessels registered in their territories for goods consigned to and from their territories;

(h) wherever possible, promote co-operation among themselves by undertaking joint ventures in inland waterways transport including the establishment of joint shipping services;

(i) co-ordinate measures with respect to, and co-operate in the maintenance of, safety in inland waterways transport services including the provision and maintenance of communication equipment to receive distress positions promptly and joint search and rescue operations;

(j) facilitate the deployment of inland waterways vessels and equipment for efficient conveyance of all classes of traffic to and from each Partner State;

(k) integrate efforts to control and eradicate the water hyacinth menace and its effects on inland waterways transport;

(l) facilitate joint studies in the use and management of inland waterways;

(m) provide regional training and research facilities for the promotion and development of marine operations and meteorology;

(n) undertake joint surveying, mapping and production of navigational charts and provision of navigational aids;

(o) facilitate provision of adequate meteorological equipment, communication and safety facilities to vessels plying the lakes within the Partner States;

(p) jointly tackle issues on inland water pollution with a view to achieving effective monitoring and control thereof;

(q) jointly explore utilisation of unexploited inland waterways transport resources and tackle matters related to shipping and port services; and

(r) harmonise national policies on inland waterways transport.

ARTICLE 95

Multimodal Transport

The Partner States shall:

(a) harmonise and simplify regulations, goods classification, procedures and documents required for multimodal transport within the Community;

(b) apply uniform rules and regulations with respect to the packaging, marking and loading of goods;

(c) provide where feasible, technical and other facilities for direct trans-shipment of goods at main trans-shipment points including intermodal cargo exchange points, inland clearance depots, dry ports or inland container depots;

(d) agree to allocate multimodal transport facilities for goods consigned to or from the Partner States;

(e) take measures to ratify or accede to international conventions on multimodal transport and containerisation and take such steps as may be necessary to implement them; and

(f) promote communication and information exchange to enhance the efficiency of multimodal transport.

ARTICLE 96

Freight Booking Centres

The Partner States shall encourage the establishment of freight booking centres.

ARTICLE 97

Freight Forwarders, Customs Clearing Agents and Shipping Agents

1. The Partner States shall harmonise the requirements for registration and licensing of freight forwarders, customs clearing agents and shipping agents.

2. The Partner States shall allow any person to register, and be licensed, as a freight forwarder, customs clearing agent and shipping agent, provided that, that person fulfills the legal and customs requirements of that Partner State.

3. The Partner States shall not restrict the commercial activities, rights and obligations of a lawfully registered and licensed freight forwarder or clearing agent.

ARTICLE 98

Postal Services

The Partner States shall harmonise their policies on postal services and promote close co-operation between their postal administrations and devise ways and means to achieve fast, reliable, secure, economic and efficient services among themselves through:

(a) strengthening of postal sorting, routing, transit and distribution centres within the Community;

(b) pooling financial, technical and human resources to modernise, mechanise and automate mail and postal financial services so as to provide timely and efficient services to postal users or customers and, further introduce value-added postal services thus turning postal outlets one-shop for communication services;

(c) adopting competitive marketing strategies to increase market shares in the international courier services and further introduce

on-line track and trace system Electronic Data Inter-Change (EDI) for customer information and expedited inquiry handling systems;

(d) conducting joint market research activities with a view to launching new postal products or services;

(e) introducing appropriate postal security systems and procedures in the postal networks; and

(f) co-operating in the development and design of relevant human resources training and development programmes.

ARTICLE 99

Telecommunications

The Partner States shall;

(a) adopt common telecommunications policies to be developed within the Community in collaboration with other relevant international organisations including the Pan-African Telecommunications Union (PATU), International Telecommunications Union (ITU), Regional African Satellite Communication (RASCOM), International Telecommunication Satellite Organisation (INTELSAT), International Maritime Satellite Organisation (INMARSAT), Commonwealth Telecommmunications Organisation (CTO) and other related organisations;

(b) improve and maintain inter-connectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community;

(c) harmonise and apply non-discriminatory tariffs among themselves and where possible, agree on preferential tariff treatment applicable within the Community;

(d) co-operate and co-ordinate their activities in the maintenance of telecommunications facilities including training and the exchange of manpower;

(e) encourage co-operation in local manufacturing of info-telecommunication equipment, research and development;

(f) facilitate a conducive environment to promote private sector investors in the info-telecommunication equipment within the

Community; and

(g) adopt a common frequency management and monitoring scheme, assign mutually agreed upon frequencies for cross-border mobile radio communications and issue operating licences agreed upon by the Partner States.

ARTICLE 100

Meteorological Services

1. Each Partner State shall collect and disseminate to the other Partner States meteorological information in order to facilitate the efficient operation of air navigation, coastal shipping, inland waterways transport and the issuing of cyclone warnings and other adverse weather phenomena and co-operate in the following areas:

(a) Expansion and upgrading of meteorological observations network and telecommunications;

(b) Training and research in meteorology, by using common facilities such as the Regional Meteorology Training Centre (RMTC), Drought Monitoring Centre (DMC) and other similar institutions;

(c) Provision of meteorological services which would include the exchange of observations and products for safety of air navigation, coastal shipping, inland waterways and transport as well as meteorological support to key sectors of the economy which include agriculture, water resources, tourism and construction;

(d) Support to early warning systems and remote sensing for food security;

(e) Meteorological support to environment management;

(f) Harmonisation of policies for the provision of meteorological services;

(g) Co-operation in human resources development and information exchange; and

(h) Climate analysis and seasonal forecast.

2. The Partner States shall co-operate and support each other in all activities of the World Meteorological Organisation (WMO) affecting the interests of the

Community especially the monitoring of the atmospheric and climatic changes on the planet.

3. The Partner States shall exchange information and expertise concerning new developments in meteorological science and technology including the calibration and comparison of instruments.

ARTICLE 101

Energy

1. The Partner States shall adopt policies and mechanisms to promote the efficient exploitation, development, joint research and utilisation of various energy resources available within the region.

2. For the purposes of paragraph 1 of this Article, the Partner States shall in particular promote within the Community:

(a) the least cost development and transmission of electric power, efficient exploration and exploitation of fossil fuels and utilisation of new and renewable energy sources;

(b) the joint planning, training and research in, and the exchange of information on the exploration, exploitation, development and utilisation of available energy resources;

(c) the development of integrated policy on rural electrification;

(d) the development of inter-Partner State electrical grid inter-connections;

(e) the construction of oil and gas pipelines; and

(f) all such other measures to supply affordable energy to their people taking cognisance of the protection of the environment as provided for by this Treaty.

CHAPTER SIXTEEN

CO-OPERATION IN THE DEVELOPMENT OF HUMAN RESOURCES, SCIENCE AND TECHNOLOGY

ARTICLE 102

Education and Training

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of the Treaty, the Partner States agree to undertake concerted measures to foster co-operation in education and training within the Community.

2. The Partner States shall, with respect to education and training:

(a) co-ordinate their human resources development policies and programmes;

(b) strengthen existing and where necessary establish new common research and training institutions;

(c) co-operate in industrial training;

(d) develop such common programmes in basic, intermediary and tertiary education and a general programme for adult and continuing education in the Partner States as would promote the emergence of well trained personnel in all sectors relevant to the aims and objectives of the Community;

(e) harmonise curricula, examination, certification and accreditation of education and training institutions in the Partner States through the joint action of their relevant national bodies charged with the preparation of such curricula;

(f) revive and enhance the activities of the Inter-University Council for East Africa;

(g) encourage and support the mobility of students and teachers within the Community;

(h) exchange information and experience on issues common to the educational systems of the Partner States;

(i) collaborate in putting in place education and training programmes for people with special needs and other disadvantaged groups;

(j) encourage and support the participation of the private sector in the development of human resources through education and training; and

(k) identify and develop centres of excellence in the region including universities.

3. For the purposes of paragraph 1 of this Article, the Partner States shall undertake such additional activities in respect of the development of human resources as the Council may determine.

ARTICLE 103

Science and Technology

1. Recognising the fundamental importance of science and technology in economic development, the Partner States undertake to promote co-operation in the development of science and technology within the Community through:

(a) the joint establishment and support of scientific and technological research and of institutions in the various disciplines of science and technology;

(b) the creation of a conducive environment for the promotion of science and technology within the Community;

(c) the encouragement of the use and development of indigenous science and technologies;

(d) the mobilisation of technical and financial support from local and foreign sources and from international organisations or agencies for the development of science and technology in the Community;

(e) the exchange of scientific information, personnel and the promotion and publication of research and scientific findings;

(f) the collaboration in the training of personnel in the various scientific and technological disciplines at all levels using existing institutions and newly established ones;

(g) the promotion, development and application of information technology and other new ones throughout the Community;

(h) establishment of common ethical guidelines for research; and

(i) the harmonisation of policies on commercialisation of technologies and promotion and protection of intellectual property rights.

2. For purposes of paragraph 1 of this Article, the Partner States shall undertake such additional activities with regard to science and technology as the Council may determine.

CHAPTER SEVENTEEN

FREE MOVEMENT OF PERSONS, LABOUR, SERVICES, RIGHT OF ESTABLISHMENT AND RESIDENCE

ARTICLE 104

Scope of Co-operation

1. The Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

2. For purposes of paragraph 1 of this Article, the Partner States agree to conclude a Protocol on the Free Movement of Persons, Labour, Services and Right of Establishment and Residence at a time to be determined by the Council.

3. The Partner States shall as may be determined by the Council:

(a) ease border crossing by citizens of the Partner States;

(b) maintain common standard travel documents for their citizens;

(c) effect reciprocal opening of border posts and keep the posts opened and manned for twenty four hours;

(d) maintain common employment policies;

(e) harmonise their labour policies, programmes and legislation including those on occupational health and safety;

(f) establish a regional centre for productivity and employment promotion and exchange information on the availability of employment;

(g) make their training facilities available to persons from other Partner States; and

(h) enhance the activities of the employers' and workers' organisations with a view to strengthening them.

4. The Partner States undertake to co-operate in the enhancement of the social partnership between the governments, employers and employees so as to increase the productivity of labour through efficient production.

CHAPTER EIGHTEEN

AGRICULTURE AND FOOD SECURITY

ARTICLE 105

Scope of Co-operation

1. The overall objectives of co-operation in the agricultural sector are the achievement of food security and rational agricultural production within the Community. To this end, the Partner States undertake to adopt a scheme for the rationalisation of agricultural production with a view to promoting complementarity and specialisation in and the sustainability of national agricultural programmes in order to ensure:

(a) a common agricultural policy;

(b) food sufficiency within the Community;

(c) an increase in the production of crops, livestock, fisheries and forest products for domestic consumption, exports within and outside the Community and as inputs to agro-based industries within the Community; and

(d) post harvest preservation and conservation and improved food processing.

2. For purposes of paragraph 1 of this Article, the Partner States undertake to co-operate in specific fields of agriculture, including:

(a) the harmonisation of agricultural policies of the Partner States;

(b) the development of food security within the Partner States and the Community as a whole, through the production and supply of foodstuffs;

(c) agro-meteorology and climatology to promote the development of early climatological warning systems within the Community;

(d) the development and application of agricultural training and research and extension services;

(e) the adoption of internationally accepted quality standards for food processing;

(f) the establishment of joint programmes for the control of animal and plant diseases and pests;

(g) the marketing of food and the co-ordination of the export and import of agricultural commodities;

(h) joint actions in combating drought and desertification ; and

(i) in such other fields of agriculture as the Council may determine.

ARTICLE 106

Seed Multiplication and Distribution

The Partner States shall:

(a) strengthen co-operation in quality seed development and production through research and plant breeding;

(b) support co-operation in the establishment of gene banks;

(c) enhance capacity in seed technology;

(d) initiate and maintain strategic seed reserves;

(e) harmonise quarantine policies, legislation and regulations to ease trade in seeds; and

(f) create an enabling environment for private sector seed multiplication and distribution.

ARTICLE 107

Livestock Multiplication and Distribution

The Partner States shall:

(a) develop mechanism for co-operation in livestock breeding, including artificial insemination institutions and livestock breeding centres;

(b) encourage and facilitate exchange of genetic material to widen the base of livestock development;

(c) encourage private sector participation in livestock multiplication and distribution;

(d) develop common regulatory framework in livestock multiplication, trade in semen, embryos, breeding stock, drugs and vaccines; and

(e) harmonise quarantine regulations in artificial insemination and livestock breeding centres.

ARTICLE 108

Plant and Animal Diseases Control

The Partner States shall:

(a) harmonise policies, legislation and regulations for enforcement of pests and disease control;

(b) harmonise and strengthen regulatory institutions;

(c) harmonise and strengthen zoo–sanitary and phyto-sanitary services inspection and certification;

(d) establish regional zoo–sanitary and phyto-sanitary laboratories to deal with diagnosis and identification of pests and diseases;

(e) adopt common mechanism to ensure safety, efficacy and potency of agricultural inputs including chemicals, drugs and vaccines; and

(f) co-operate in surveillance, diagnosis and control strategies of trans-boundary pests and animal diseases.

ARTICLE 109

Irrigation and Water Catchment Management

The Partner States agree to take concerted effort to expand agricultural land through irrigation and water catchment strategies and for this purpose, shall:

(a) co-operate in formulating and implementing national and Community irrigation programmes;

(b) co-operate in developing and preserving traditional irrigation systems;

(c) improve water catchment management, including rainwater harvesting; and

(d) adopt and promote the use of environmentally safe methods of land use.

ARTICLE 110

Food Security

The Partner States shall:

(a) establish a mechanism for exchange of information on demand and supply surpluses and deficits, trade, forecasting and state of food nutrition;

(b) harmonise quality and standards of inputs and products including food additives;

(c) develop modalities to have timely information on market prices;

(d) harmonise food supply, nutrition and food security policies and strategies;

(e) initiate and maintain strategic food reserves; and

(f) develop marine and inland aquaculture and fish farming.

CHAPTER NINETEEN

CO-OPERATION IN ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT

ARTICLE 111

Environmental Issues and Natural Resources

The Partner States recognise that development activities may have negative impacts on the environment leading to the degradation of the environment and depletion of natural resources and that a clean and healthy environment is a prerequisite for sustainable development. The Partner States therefore:

(a) agree to take concerted measures to foster co-operation in the joint and efficient management and sustainable utilisation of natural resources within the Community;

(b) undertake, through environmental management strategy, to co-operate and co-ordinate their policies and actions for the protection and conservation of the natural resources and environment against all forms of degradation and pollution arising from developmental activities;

(c) undertake to co-operate and adopt common policies for control of trans-boundary movement of toxic and hazardous waste including nuclear materials and any other undesirable materials;

(d) shall provide prior and timely notification and relevant information to each other on natural and human activities that may or are likely to have significant trans-boundary environmental impacts and shall consult with each other at an early stage; and

(e) shall develop and promote capacity building programmes for sustainable management of natural resources.

`2. Action by the Community relating to the environment shall have the following objectives:

(a) to preserve, protect and enhance the quality of the environment;

(b) to contribute towards the sustainability of the environment;

(c) to ensure sustainable utilisation of natural resources like lakes, wetlands, forests and other aquatic and terrestrial ecosystems; and

(d) to jointly develop and adopt water resources conservation and management policies that ensure sustenance and preservation of ecosystems.

ARTICLE 112

Management of the Environment

1. For purposes of Article 111 of this Treaty, the Partner States undertake to co-operate in the management of the environment and agree to:

(a) develop a common environmental management policy that would sustain the eco-systems of the Partner States, prevent, arrest and reverse the effects of environmental degradation;

(b) develop special environmental management strategies to manage fragile ecosystems, terrestrial and marine resources, noxious emissions and toxic and hazardous chemicals;

(c) take measures to control trans-boundary air, land and water pollution arising from developmental activities;

(d) take necessary disaster preparedness, management, protection and mitigation measures especially for the control of natural and man-made disasters. These include oil spills, bio-hazards, floods, earthquakes, marine accidents, drought and bush fires; and

(e) integrate environmental management and conservation measures in all developmental activities such as trade, transport, agriculture, industrial development, mining and tourism in the Community.

2. For purposes of paragraph 1 of this Article, the Partner States undertake to:

(a) adopt common environment control regulations, incentives and standards;

(b) develop capabilities and measures to undertake environmental impact assessment of all development project activities and programmes;

(c) encourage the manufacture and use of bio-degradable pesticides, herbicides and packaging materials;

(d) encourage public awareness and education on the use of agricultural and industrial chemicals and fertilisers;

(e) adopt environmentally sound management techniques for the control of land degradation, such as soil erosion, desertification and forest encroachment;

(f) promote the use of non-ozone depleting susbstances and environment-friendly technologies;

(g) promote and strengthen the utilisation of training facilities and research institutions within the Community;

(h) adopt common environmental standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities;

(i) exchange information on atmospheric, industrial and other forms of pollution and conservation technology;

(j) harmonise their policies and regulations for the sustainable and integrated management of shared natural resources and ecosystems;

(k) adopt measures and policies to address the existing demographic profiles such as high growth rates and fertility rates, high dependency ratio, poor social conditions and poverty in order to mitigate their adverse impact on the environment and development;

(l) adopt community environmental management programmes;

(m) promote enhancement of the quality of the environment through adoption of common measures and programmes of tree planting, afforestation and reforestation, soil conservation and recycling of materials; and

(n) adopt common policies for conservation of biodiversity and common regulations for access to, management and equitable utilisation of genetic resources.

ARTICLE 113

Prevention of Illegal Trade in and Movement of Toxic Chemicals, Substances and Hazardous Wastes

1. The Partner States undertake to co-operate and adopt common positions against illegal dumping of toxic chemicals, substances and hazardous wastes within the Community from either a Partner State or any third party.

2. The Partner States shall harmonise their legal and regulatory framework for the management, movement, utilisation and disposal of toxic substances.

3. The Partner States undertake to ratify or accede to international environmental conventions that are designed to improve environmental policies and management.

ARTICLE 114

Management of Natural Resources

1. For purposes of Article 111 of this Treaty, the Partner States agree to take concerted measures to foster co-operation in the joint and efficient management and the sustainable utilisation of natural resources within the Community for the mutual benefit of the Partner States. In particular, the Partner States shall:

(a) take necessary measures to conserve their natural resources;

(b) co-operate in the management of their natural resources for the conservation of the eco-systems and the arrest of environmental degradation; and

(c) adopt common regulations for the protection of shared aquatic and terrestrial resources.

2. For purposes of paragraph 1 of this Article, the Partner States:

(a) with regard to the conservation and management of forests, agree to take necessary measures through:

(i) the adoption of common policies for, and the exchange of information on, the development, conservation and management of natural forests, commercial plantations and natural reserves;

(ii) the joint promotion of common forestry practices within the Community;

(iii) the joint utilisation of forestry training and research facilities;

(iv) the adoption of common regulations for the conservation and management of all catchment forests within the Community;

(v) the establishment of uniform regulations for the utilisation of forestry resources in order to reduce the depletion of natural forests and avoid desertification within the Community; and

(vi) the establishment of Api-Agro Forestry Systems.

(b) with regard to the management of their water and marine resources, agree to co-operate through:

(i) the establishment and adoption of common regulations for the better management and development of marine parks, reserves, wetlands and controlled areas;

(ii) the adoption of common policies and regulations for the conservation, management and development of fisheries resources;

(iii) the establishment of common fisheries management and investment guidelines for inland and marine waters;

(iv) the strengthening of regional natural resources management bodies;

(v) the establishment of common rules of origin for flora and fauna; and

(vi) the establishment of a body for the management of Lake Victoria;

(c) with regard to the management of the mineral resources sector, agree:

(i) to promote joint exploration, efficient exploitation and sustainable utilisation of shared mineral resources;

(ii) to pursue the creation of an enabling environment for investment in the mining sector;

(iii) to promote the establishment of databases, information exchange networks and the sharing of experiences in the management and development of the mineral sector using electronic mail, internet and other means for the interactive dissemination of mineral information;

(iv) to harmonise mining regulations to ensure environmentally friendly and sound mining practices;

(v) to adopt common policies to ensure joint fossil exploration and exploitation along the coast and rift valley; and

(vi) to establish a regional seismological network whose primary objective is to monitor seismicity and advice on mitigation measures.

CHAPTER TWENTY

CO-OPERATION IN TOURISM AND WILDLIFE MANAGEMENT

ARTICLE 115

Tourism

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States undertake to develop a collective and co-ordinated approach to the promotion and marketing of quality tourism into and within the Community. To this end, the Partner States shall co-ordinate their policies in the tourism industry and undertake to establish a framework of co-operation in the sector that will ensure equitable distribution of benefits.

2. The Partner States shall establish a common code of conduct for private and public tour and travel operators, standardise hotel classifications and harmonise the professional standards of agents in the tourism and travel industry within the Community.

3. The Partner States undertake to develop a regional strategy for tourism promotion whereby individual efforts are reinforced by regional action.

ARTICLE 116

Wildlife Management

The Partner States undertake to develop a collective and co-ordinated policy for the conservation and sustainable utilisation of wildlife and other tourist sites in the Community. In particular, the Partner States shall:

(a) harmonise their policies for the conservation of wildlife, within and outside protected areas;

(b) exchange information and adopt common policies on wildlife management and development;

(c) co-ordinate efforts in controlling and monitoring encroachment and poaching activities;

(d) encourage the joint use of training and research facilities and develop common management plans for trans-border protected areas; and

(e) take measures to ratify or accede to, and, implement relevant international conventions.

CHAPTER TWENTY ONE

HEALTH, SOCIAL AND CULTURAL ACTIVITIES

ARTICLE 117

Scope of Co-operation

In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States undertake to co-operate in health, cultural and sports and social welfare activities within the Community.

ARTICLE 118

Health

With respect to co-operation in health activities, the Partner States undertake to:

(a) take joint action towards the prevention and control of communicable and non-communicable diseases and to control pandemics and epidemics of communicable and vector-borne diseases such as HIV-AIDS, cholera, malaria, hepatitis and yellow fever that might endanger the health and welfare of the residents of the Partner States, and to co-operate in facilitating mass immunization and other public health community campaigns;

(b) promote the management of health delivery systems and better planning mechanisms to enhance efficiency of health care services within the Partner States;

(c) develop a common drug policy which would include establishing quality control capacities and good procurement practices;

(d) harmonise drug registration procedures so as to achieve good control of pharmaceutical standards without impeding or obstructing the movement of pharmaceutical products within the Community;

(e) harmonise national health policies and regulations and promote the exchange of information on health issues in order to achieve quality health within the Community;

(f) co-operate in promoting research and the development of traditional, alternate or herbal medicines;

(g) co-operate in the development of specialised health training, health research, reproductive health, the pharmaceutical products and preventive medicine;

(h) promote the development of good nutritional standards and the popularisation of indigenous foods; and

(i) develop a common approach through the education of the general public and their law enforcement agencies for the control and eradication of the trafficking and consumption of illicit or banned drugs.

ARTICLE 119

Culture and Sports

The Partner States shall promote close co-operation amongst themselves in culture and sports, with respect to:

(a) the promotion and enhancement of diverse sports activities;

(b) the development of mass media programmes on matters that will promote the development of culture and sports within the Community;

(c) the promotion of cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations, and the conservation, safeguarding and development of the cultural heritage of the Partner States including, historical materials and antiquities;

(d) the development and promotion of indigenous languages especially Kiswahili as a lingua franca;

(e) the regulation of cross border trade in ethnographic materials, licensing of antique dealers and adoption of a common approach and co-operation in tackling the illicit cross border trade in cultural property;

(f) acceding to and ratification of international conventions that directly bear upon culture such as:

    (i) the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; and

(ii) the UNESCO Convention on the Means of Prohibition and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;

(g) harmonising their policies for the conservation of their national antiquities and museums and the prevention of illegal trade in cultural property; and

(h) any other activities aimed at promoting an East African identity.

ARTICLE 120

Social Welfare

The Partner States undertake to closely co-operate amongst themselves in the field of social welfare with respect to:

(a) employment, poverty alleviation programmes and working conditions;

(b) vocational training and the eradication of adult illiteracy in the Community; and

(c) the development and adoption of a common approach towards the disadvantaged and marginalised groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster homes, health care education and training.

CHAPTER TWENTY TWO

ENHANCING THE ROLE OF WOMEN IN SOCIO-ECONOMIC DEVELOPMENT

ARTICLE 121

The Role of Women in Socio-economic Development

The Partner States recognise that women make a significant contribution towards the process of socio-economic transformation and sustainable growth and that it is impossible to implement effective programmes for the economic and social development of the Partner States without the full participation of women. To this end, the Partner States shall through appropriate legislative and other measures:

(a) promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decision-making;

(b) abolish legislation and discourage customs that are discriminatory against women;

(c) promote effective education awareness programmes aimed at changing negative attitudes towards women;

(d) create or adopt technologies which will ensure the stability of employment and professional progress for women workers; and

(e) take such other measures that shall eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect.

ARTICLE 122

The Role of Women in Business

Having recognised the importance of women as a vital economic link between agriculture, industry and trade, the Partner States undertake to:

(a) increase the participation of women in business at the policy formulation and implementation levels;

(b) promote special programmes for women in small, medium and large scale enterprises;

(c) eliminate all laws, regulations and practises that hinder women's access to financial assistance including credit;

(d) initiate changes in educational and training strategies to enable women to improve their technical and industrial employment levels through the acquisition of transferable skills offered by various forms of vocational and on-the-job training schemes; and

(e) recognise and support the national and regional associations of women in business established to promote the effective participation of women in the trade and development activities of the Community.

CHAPTER TWENTY THREE

CO-OPERATION IN POLITICAL MATTERS

ARTICLE 123

Political Affairs

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty particularly with respect to the eventual establishment of a Political Federation of the Partner States, the Partner States shall establish common foreign and security policies.

2. For purposes of paragraph 1 of this Article, the Community and its Partner States shall define and implement common foreign and security policies.

3. The objectives of the common foreign and security policies shall be to:

(a) safeguard the common values, fundamental interests and independence of the Community;

(b) strengthen the security of the Community and its Partner States in all ways;

(c) develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms;

(d) preserve peace and strengthen international security among the Partner States and within the Community;

(e) promote co-operation at international fora; and

(f) enhance the eventual establishment of a Political Federation of the Partner States.

4. The Community shall pursue the objectives set out in paragraph 3 of this Article by:

(a) establishing systematic co-operation between the Partner States on any matter of foreign or security policies of general interest within the Community in order to define a common position to be applied by the Partner States;

(b) the co-ordination of the actions of the Partner States and the upholding by them of such co-ordinated actions in international organisations and at international conferences;

(c) the unreserved support of the Partner States of the Community's foreign and security policies and the avoidance by the Partner States of any action on their part which is contrary to the interests of the Community or is likely to impair the effectiveness of the Community as a cohesive force in international relations;

(d) peaceful resolution of disputes and conflicts between and within the Partner States;

(e) the co-ordination of the defence policies of the Partner States; and

(f) the promotion of co-operation among the National Assemblies of the Partner States and also with the Assembly.

5. The Council shall determine when the provisions of paragraphs 2, 3 and 4 of this Article shall become operative and shall prescribe in detail how the provisions of this Article shall be implemented.

6. The Summit shall initiate the process towards the establishment of a Political Federation of the Partner States by directing the Council to undertake the process.

7. For purposes of paragraph 6 of this Article, the Summit may order a study to be first undertaken by the Council.

ARTICLE 124

Regional Peace and Security

1. The Partner States agree that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them.

2. The Partner States undertake to promote and maintain good neighbourliness as a basis for promoting peace and security within the Community.

3. The Partner States shall evolve and establish regional disaster management mechanisms which shall harmonise training operations, technical co-operation and support in this area.

4. The Partner States undertake to establish common mechanisms for the management of refugees.

5. The Partner States agree to enhance co-operation in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities. To this end the Partner States undertake to adopt the following measures for maintaining and promoting security in their territories to:

(a) enhance the exchange of criminal intelligence and other security information between the Partner States' central criminal intelligence information centres;

(b) enhance joint operations such as hot pursuit of criminals and joint patrols to promote border security;

(c) establish common communication facilities for border security;

(d) adopt the United Nations model law on mutual assistance on criminal matters;

(e) conclude a Protocol on Combating Illicit Drug Trafficking;

(f) enhance the exchange of visits by security authorities;

(g) exchange training programmes for security personnel; and

(h) establish common mechanisms for the management of refugees.

6. The Partner States undertake to co-operate in reviewing the region's security particularly on the threat of terrorism and formulate security measures to combat terrorism.

ARTICLE 125

Defence

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty particularly with respect to the promotion of peace, security and stability within, and good neighbourliness among the Partner States, and in accordance with Article 124 of this Treaty, the Partner States agree to closely co-operate in defence affairs.

2. For purposes of paragraph 1 of this Article, the Partner States agree to establish a framework for co-operation.

CHAPTER TWENTY FOUR

LEGAL AND JUDICIAL AFFAIRS

ARTICLE 126

Scope of Co-operation

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty, the Partner States shall take steps to harmonise their legal training and certification; and shall encourage the standardisation of the judgements of courts within the Community.

2. For purposes of paragraph 1 of this Article, the Partner States shall through their appropriate national institutions take all necessary steps to:

(a) establish a common syllabus for the training of lawyers and a common standard to be attained in examinations in order to qualify and to be licensed to practice as an advocate in their respective superior courts;

(b) harmonise all their national laws appertaining to the Community; and

(c) revive the publication of the East African Law Reports or publish similar law reports and such law journals as will promote the exchange of legal and judicial knowledge and enhance the approximation and harmonisation of legal learning and the standardisation of judgements of courts within the Community.

3. For purposes of paragraph 1 of this Article, the Partner States may take such other additional steps as the Council may determine.

CHAPTER TWENTY FIVE

THE PRIVATE SECTOR AND THE CIVIL SOCIETY

ARTICLE 127

Creation of an Enabling Environment for the Private Sector and the Civil Society

1. The Partner States agree to provide an enabling environment for the private sector and the civil society to take full advantage of the Community. To this end, the Partner States undertake to formulate a strategy for the development of the private sector and to:

(a) promote a continuous dialogue with the private sector and civil society at the national level and at that of the Community to help create an improved business environment for the implementation of agreed decisions in all economic sectors; and

(b) provide opportunities for entrepreneurs to participate actively in improving the policies and activities of the institutions of the Community that affect them so as to increase their confidence in policy reforms and raise the productivity and lower the costs of the entrepreneurs.

2. For purposes of paragraph 1 of this Article, the Partner States undertake to:

(a) improve the business environment through the promotion of conducive investment codes, the protection of property rights and other rights and the proper regulation of the private sector;

(b) stimulate market development through infrastructural linkages and the removal of barriers and constraints to market development and production;

(c) regularly provide up-to-date commercial intelligence to speed up market response through co-operation among the chambers of commerce and industry and other similar organisations of the Partner States;

(d) facilitate and support the exchange of experience and the pooling of resources through, inter alia, cross-border investments;

(e) strengthen the role of their national business organisations or associations in the formulation of their economic policies; and

(f) collaborate with their national chambers of commerce and industry to establish lending institutions that shall primarily cater for the private sector especially the small-scale entrepreneurs who find it difficult to obtain credit from commercial banks and financing institutions.

3. The Partner States agree to promote enabling environment for the participation of civil society in the development activities within the Community.

4. The Secretary General shall provide the forum for consultations between the private sector, civil society organisations, other interest groups and appropriate institutions of the Community.

ARTICLE 128

Strengthening the Private Sector

1. The Partner States shall endeavour to adopt programmes that would strengthen and promote the role of the private sector as an effective force for the development of their respective economies.

2. For purposes of paragraph 1 of this Article, the Partner States undertake to:

(a) encourage the efficient use of scarce resources and to promote the development of private sector organisations which are engaged in all types of economic activity, such as, the chambers of commerce and industry, confederations and associations of industry, agriculture, manufacturers, farmers, traders, and service providers and professional groups;

(b) encourage and sponsor practical and resourceful methods of income generation in the private sector; and

(c) establish a quality information system which will allow collection, harmonised processing and timely dissemination of data and information.

3. For purposes of paragraph 1 of this Article, the Partner States may take such other additional steps as the Council may determine.

ARTICLE 129

Co-operation among Business Organisations and Professional Bodies

1. The Partner States undertake to co-operate in promoting common measures to ensure the strengthening of linkages among their business organisations, employees' and employers' organisations and professional bodies. To this end, the Partner States agree to:

(a) support joint activities which will promote trade and investment among the Partner States;

(b) recognise and contribute to the efficient operation of federations of business organisations, professional and commercial interest groups and similar associations within the Community; and

(c) encourage and promote the taking of useful decisions by the Council and other relevant institutions of the Community in areas affecting the private sector, and to monitor the implementation of such decisions.

2. The Council shall establish modalities that would enable the business organisations or associations, professional bodies and the civil society in the Partner States to contribute effectively to the development of the Community.

3. The Council shall formulate a business and business related dispute settlement mechanism.

CHAPTER TWENTY SIX

RELATIONS WITH OTHER REGIONAL AND INTERNATIONAL ORGANISATIONS AND DEVELOPMENT PARTNERS

ARTICLE 130

International Organisations and Development Partners

1. The Partner States shall honour their commitments in respect of other multinational and international organisations of which they are members.

2. The Partner States reiterate their desire for a wider unity of Africa and regard the Community as a step towards the achievement of the objectives of the Treaty Establishing the African Economic Community.

3. With a view to contributing towards the achievement of the objectives of the Community, the Community shall foster co-operative arrangements with other regional and international organisations whose activities have a bearing on the objectives of the Community.

4. The Partner States shall accord special importance to co-operation with the Organisation of African Unity, United Nations Organisation and its agencies, and other international organisations, bilateral and multi-lateral development partners interested in the objectives of the Community.

CHAPTER TWENTY SEVEN

CO-OPERATION IN OTHER FIELDS

ARTICLE 131

Other Fields

1. Subject to the provisions of this Treaty, the Partner States undertake to consult with one another through the appropriate institutions of the Community for the purpose of harmonising their respective policies in such other fields as they may, from time to time, consider necessary or desirable for the efficient and harmonious functioning and development of the Community and the implementation of the provisions of this Treaty.

2. For purposes of paragraph 1 of this Article, the Partner States may take in common such other steps as are calculated to further the objectives of the Community and the implementation of the provisions of this Treaty.

CHAPTER TWENTY EIGHT

FINANCIAL PROVISIONS

ARTICLE 132

Budget

1. There shall be a budget for the organs and institutions of the Community, save for the self accounting institutions.

2. Subject to this Treaty, a budget for the Community for each financial year shall be prepared by the Secretary General for consideration by the Council and approval by the Assembly.

3. All expenditures of the Community in respect of each financial year shall be considered and approved by the Council and shall be met from the budget.

4. The budget of the Community shall be funded by equal contributions by the Partner States and receipts from regional and international donations and any other sources as may be determined by the Council.

5. The resources of the Community shall be utilised to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council.

6. The budget and accounts of the Community shall be kept and maintained in United States dollars.

7. The financial year of the Community shall run from 1st July to 30th June.

ARTICLE 133

Other Resources

Other resources of the Community shall include such extra budgetary resources as:

(a) grants, donations, funds for projects and programmes and technical assistance; and

(b) income earned from activities undertaken by the Community.

ARTICLE 134

Audit of Accounts

1. There shall be an Audit Commission made up of the Auditors General of the Partner States whose functions will be to audit the accounts of the Community.

2. It shall be the duty of the Audit Commission to verify that any contributions received or revenue collected by the Community have been allocated and distributed in accordance with this Treaty and to include a certificate to that effect in its report.

3. The Audit Commission shall submit its reports under paragraph 2 of this Article to the Council which shall cause the same to be laid before the Assembly within six months of receipt for debate and for such other consultations and action as the Assembly may deem necessary.

4. In the performance of its functions under this Article, the Audit Commission shall not be subject to the direction or control of any person or authority.

ARTICLE 135

Financial Rules and Regulations

1. The Council shall make financial rules and regulations of the Community.

2. Self-accounting institutions of the Community shall make their own financial rules and regulations in line with the provisions of their respective enabling legislation.

CHAPTER TWENTY NINE

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 136

Headquarters and Other Offices of the Community

1. The headquarters of the Community shall be in Arusha in the United Republic of Tanzania.

2. There may be established such offices of the Community in the Partner States and elsewhere as the Council may determine.

ARTICLE 137

Official Language

1. The official language of the Community shall be English.

2. Kiswahili shall be developed as a lingua franca of the Community.

ARTICLE 138

Status, Privileges and Immunities

1. The Community shall enjoy international legal personality.

2. The Secretary General shall conclude with the Governments of the Partner States in whose territory the headquarters or offices of the Community shall be situated, agreements relating to the privileges and immunities to be recognised and granted in connection with the Community.

3. Each of the Partner States undertakes to accord to the Community and its officers the privileges and immunities accorded to similar international organisations in its territory.

ARTICLE 139

Dissolution of the Permanent Tripartite Commission and its Secretariat

Upon the coming into force of this Treaty, hereinafter referred to as "the appointed day", the Tripartite Commission and the Secretariat of the Tripartite Commission respectively established on the 30th day of November, 1993, by the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania, and on the 26th day of November, 1994, by the Protocol on the Establishment of the Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania, shall both cease to exist.

ARTICLE 140

Transitional Provisions

1. On the appointed day, the Executive Secretary, the Deputy Executive Secretaries, the Legal Counsel and other staff of the Secretariat of the Tripartite Commission shall assume the offices of the Secretary General, Deputy Secretaries General, Counsel to the Community and other staff of the Community respectively and shall be deemed to have been appointed thereto under the provisions of Articles 67, 68, 69 and 70 of this Treaty respectively:

> Provided that the Executive Secretary and the Deputy Executive Secretaries shall serve for the remaining period of their current contractual terms.

2. Until the Council adopts its procedure, the procedure that applies to the Tripartite Commission shall apply to the Council.

3. Until the Community adopts its own staff rules and regulations and terms and conditions of service and financial rules and regulations, those of the Secretariat of the Tripartite Commission shall apply.

4. Until such time as the Council determines that the Court is fully operational, a Judge appointed under Article 24 of this Treaty shall serve on an ad hoc basis. Notwithstanding the provisions of paragraph 5 of Article 25 of this Treaty, the salary and other terms and conditions of service of a Judge serving on an ad hoc basis shall be determined by the Summit on the recommendation of the Council.

5. Until the Assembly is elected at a time to be determined by the Summit and first meets, the functions of the Assembly in respect of the approval of the budget of the Community, consideration of annual reports on the activities of the Community and annual audit reports of the Audit Commission, shall be performed by the Council.

6. Until the adoption of Protocols referred to in Article 151(1), the Council may make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of this Treaty.

7. Pending the conclusion of a Protocol under paragraph 1 of Article 75 of this Treaty, the Partner States agree to maintain the rules of origin currently applicable for the purpose of the preferential treatment of goods traded among them and originating in the Partner States.

ARTICLE 140 (A)

Transition

1. Any judgment or order made by the Court since the entry into force of the Treaty shall be deemed to have been made by the First Instance Division of the Court.

2. A Judge serving in the East African Court of Justice existing immediately before the entry into force of this Article shall continue as a Judge of the First Instance Division for the purposes of the Treaty and is eligible for appointment to the Appellate Division.

ARTICLE 141

Transfer of Assets and Liabilities

1. On the appointed day there shall be transferred to and vested in the Community by virtue of this Article and without further assurance, all the assets and liabilities of the Secretariat of the Tripartite Commission and from that day, the Community shall, in respect of the assets and liabilities so transferred and vested in it, have all the rights, and be subject to all the liabilities, which the Secretariat of the Tripartite Commission had, or is subject to, immediately before that day.

2. Every contract made by or on behalf of the Secretariat of the Tripartite Commission in writing and whether or not of such a nature that rights and liabilities thereunder can be assigned by the Secretariat of the Tripartite

Commission, shall have effect as if made by or, on behalf of the Community and as if references therein to the Secretariat of the Tripartite Commission or any officer or authority thereof, were references to the Community and to the corresponding officer or authority thereof.

3. Any proceedings by or against the Secretariat of the Tripartite Commission pending on the appointed day, shall be continued by or against the Community.

4. Reference to the Secretariat of the Tripartite Commission, in any law or document shall on and after the appointed day, be construed as references to the Community.

ARTICLE 142

Saving Provisions

1. Subject to the provisions of this Treaty, the operation of the following tripartite agreements after the coming into force of this Treaty shall not be affected by such coming into force, but the agreements shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Treaty:

(a) Agreement for the Establishment of The Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania;

(b) Protocol on the Establishment of a Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania;

(c) Headquarters Agreement between the Secretariat of the Commission for East African Co-operation and the Government of the United Republic of Tanzania;

(d) Tripartite Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income;

(e) Memorandum of Understanding on Co-operation in Defence;

(f) Tripartite Agreement on Road Transport;

(g) Tripartite Agreement on Inland Waterways Transport;

(h) Memorandum of Understanding on Foreign Policy Co-ordination; and

(i) Memorandum of Understanding between the Republic of Uganda and the Republic of Kenya and the United Republic of Tanzania for Co-operation on Environment Management.

2. The dissolution of the Tripartite Commission in terms of Article 139 of this Treaty shall not affect the decisions of the Tripartite Commission but such decisions shall be construed and implemented with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Treaty.

ARTICLE 143

Sanctions

A Partner State which defaults in meeting its financial and other obligations under this Treaty shall be subject to such action as the Summit may on the recommendation of the Council, determine.

ARTICLE 144

Duration of the Treaty

This Treaty shall have perpetual duration.

ARTICLE 145

Withdrawal of a Member

1. A Partner State may withdraw from the Community provided:

(a) the National Assembly of the Partner State so resolves by resolution supported by not less than two-thirds majority of all the members entitled to vote; and

(b) the Partner State gives to the Secretary General twelve month's written notice of its intention to withdraw, unless that State cancels the notice before the expiry of the twelve months.

2. A Partner State wishing to withdraw from the Community shall, during the period of twelve months referred to in paragraph 1 of this Article, continue to be liable to discharge her obligations under the Treaty.

3. Notwithstanding the effective withdrawal from membership by such State, upon expiry of the notice that State shall remain liable to discharge all subsisting obligations and long term commitments incurred during membership.

ARTICLE 146

Suspension of a Member

1. The Summit may suspend a Partner State from taking part in the activities of the Community if that State fails to observe and fulfil the fundamental principles and objectives of the Treaty including failure to meet financial commitments to the Community within a period of eighteen (18) months.

2. A Partner State suspended, in accordance with paragraph 1 of this Article, shall cease to enjoy the benefits provided for under this Treaty but shall continue to be bound by membership obligations until the suspension is lifted.

ARTICLE 147

Expulsion of a Member

1. The Summit may expel a Partner State from the Community for gross and persistent violation of the principles and objectives of this Treaty after giving such Partner State twelve months' written notice.

2. Upon the expiration of the period specified in paragraph 1 of this Article, the Partner State concerned shall cease to be a member of the Community unless the notice is cancelled.

3. During the period referred to in paragraphs 1 and 2 of this Article the Partner State concerned shall continue to comply with the provisions of this Treaty and be liable to discharge all subsisting obligations and long-term commitments incurred during membership.

ARTICLE 148

Exceptions to the Rule of Consensus

Notwithstanding the provisions of paragraph 3 of Article 12 of this Treaty, the views of the Partner State being considered for suspension or expulsion shall not count, for the purposes of reaching a decision under the provisions of Articles 146 and 147 of this Treaty.

ARTICLE 149

Rights over Property and Assets of the Community Upon Cessation of Membership

1. Where a Partner State withdraws or is expelled in accordance with Articles 145 and 147 respectively of this Treaty the property of the Community in that Partner State's territory shall remain vested in the Community.

2. A State that has ceased to be a Partner State of the Community shall have no claim to or any rights over any property and assets of the Community.

3. The Community shall continue with its remaining membership notwithstanding withdrawal or expulsion of any Partner State.

ARTICLE 150

Amendment of the Treaty

1. This Treaty may be amended at any time by agreement of all the Partner States.

2. Any Partner State or the Council may submit proposals for the amendment of this Treaty.

3. Any proposals for the amendment of this Treaty shall be submitted to the Secretary General in writing who shall, within thirty days (30) of its receipt, communicate the proposed amendment to the Partner States.

4. The Partner States which wish to comment on the proposals shall do so within ninety days (90) from the date of the dispatch of the proposal by the Secretary General.

5. After the expiration of the period prescribed under paragraph 4 of this Article, the Secretary General shall submit the proposals and any comments thereon received from the Partner States to the Summit through the Council.

6. Any amendment to this Treaty shall be adopted by the Summit and shall enter into force when ratified by all the Partner States.

ARTICLE 151

Annexes and Protocols to the Treaty

1. The Partner States shall conclude such Protocols as may be necessary in each area of co-operation which shall spell out the objectives and scope of, and institutional mechanisms for co-operation and integration.

2. Each Protocol shall be approved by the Summit on the recommendation of the Council.

3. Each Protocol shall be subject to signature and ratification by the parties hereto.

4. The Annexes and Protocols to this Treaty shall form an integral part of this Treaty.

ARTICLE 152

Entry into Force

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

ARTICLE 153

Depository and Registration

1. This Treaty and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies thereof to all the Partner States.

2. The Secretary General shall register this Treaty with the Organisation of African Unity, the United Nations, and such other organisations as the Council may determine.

DONE at Arusha, Tanzania, on the 30th day of November, in the year One Thousand Nine Hundred and Ninety-Nine.

IN FAITH WHEREOF the undersigned have appended their signatures hereto:

for the Republic of Uganda	for the Republic of Kenya	for the United Republic of Tanzania
……	…….	……..
YOWERI KAGUTA MUSEVENI	DANIEL TOROITICH ARAP MOI	BENJAMIN WILLIAM MKAPA
PRESIDENT	PRESIDENT	PRESIDENT

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