



EAST AFRICAN COMMUNITY GAZETTE

Published by the East African Community
(Registered as a Newspaper at the G.P.O.)

Vol. AT 1 – No. 1

ARUSHA, 23rd January, 2015

Price \$ 1.00

BILLS SUPPLEMENTS

	<i>Bill</i>
1 The East African East African Science and Technology Commission Act, 2015	No. 1
1 The East African Community Elimination of Non-Tariff Barriers Bill, 2015	No. 2
1 The East African Community Customs Management (Amendment) Bill, 2015	No. 3
1 The East African Community Competition (Amendment) Bill, 2015	No. 4
1 The East African Community Creative and Cultural Industries Bill, 2015	No. 5
1 The East African Community Supplementary Appropriation Act, 2015	No. 6

STATUTORY SUPPLEMENTS

1 The East African Community Customs Management (Amendment) Regulations, 2015	No. 1
1 The East African Community Customs Management (Working Arrangements between the Directorate and the Customs) (Amendment) Regulations, 2015	No. 2

CONTENTS

		<i>Page</i>
1 Decisions and Directives of the 29th Extraordinary Meeting of the Council	No. 1	2
1 Legal Notice: Commencement Instrument (EAC Competition Act, 2006)	No. 2	8

Legal Notice No. EAC/1/2015.

29TH EXTRA-ORDINARY MEETING OF THE COUNCIL OF MINISTERS

23RD – 28TH APRIL, 2014

TABLE OF CONTENTS

PART I PROGRESS REPORTS ON THE FOLLOWING ITEMS –

- 1.1 Status of Partner States' Remittance of Outstanding Contributions for the Financial Year 2013/14
- 1.2 Alternative Financing Mechanisms for the East African Community
- 1.3 East African Community Institutional Review
- 1.4 Negotiations on the Admission of the Republic of South Sudan Into the East African Community
- 1.5 Revised Model Structure, Road Map and Action Plan for the East Africa Political Federation

PART II PROPOSAL FOR ADDITIONAL ITEMS ON THE EAC BUDGET FOR THE FINANCIAL YEAR 2014/2015

- 2.1 Nyerere Centre for Peace Research
- 2.2 Election Observer Mission to the Republic of Burundi
- 2.3 Other Cross Cutting Additional Items
- 2.4 Lake Victoria Basin Commission
- 2.5 East African Civil Aviation and Safety and Security Oversight Agency
- 2.6 Proposed Organizational Structure, Human Resource Requirements for the Operationalization of the East African Health Research Commission

PART III HUMAN RESOURCE MATTERS

PART IV PROPOSED COUNCIL DIRECTIVES FOR EAC REGIONAL SECURITIES MARKET

PART V REPORT ON THE OUTCOME OF THE 15TH MEETING OF THE SECTORAL COUNCIL ON LEGAL AND JUDICIAL AFFAIRS

PART VI RENEWAL OF CONTRACT OF DR. ENOS S. BUKUKU, DEPUTY SECRETARY GENERAL

PART VII STATUS OF IMPLEMENTATION OF OUTSTANDING DECISIONS AND DIRECTIVES OF THE SUMMIT

PART VIII EAC COUNTER TERRORISM STRATEGY

PART I PROGRESS REPORTS ON THE FOLLOWING ITEMS**1.1 STATUS OF PARTNER STATES REMITTANCE OF OUTSTANDING CONTRIBUTIONS FOR THE FINANCIAL YEAR 2013/14****1.1.1 Partner States' Budgetary Contributions to EAC Organs and LVBC**

The Council directed the—

- (a) Republic of Burundi, Republic of Rwanda, Republic of Uganda and The United Republic of Tanzania to remit their outstanding contributions towards the budget for the EAC Organs and LVBC for the Financial Year 2013/2014 (*EAC/EX/CM 29/Directive 01*);
- (b) Secretariat to always prepare and present comprehensive reports on receipt and expenditure of Development Partners funds as it does for Partner States contribution for consideration by the Council (*EAC/EX/CM 29/Directive 02*).

1.1.2 Partner States' Budgetary Contributions to IUCEA

The Council directed the Republic of Burundi, Republic of Uganda and The United Republic of Tanzania to –

- (a) remit their outstanding contributions towards the budget for the IUCEA for the Financial Year 2013/2014 (*EAC/EX/CM 29/Directive 03*); and
- (b) pay arrears towards the budget for the IUCEA (*EAC/EX/CM 29/Directive 04*).

1.1.3 Partner States' Budgetary Contributions to LVFO

The Council directed the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania to disburse their outstanding contributions towards the budget for the LVFO (*EAC/EX/CM 29/Directive 05*).

1.1.3.1 Status of Partner States' Contributions to LVFO-Operations Save Nile Perch

The Council directed the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania to disburse their outstanding contributions towards the Operations Save Nile Perch Project for the LVFO before the end of June, 2014 as they had earlier agreed (*EAC/EX/CM 29/Directive 06*).

1.2 MODALITIES ON SUSTAINABLE FINANCING MECHANISM OF THE EAST AFRICAN COMMUNITY

The Council referred matters on the modalities of sustainable financing of the East African Community to the Sectoral Council of Finance and Economic Affairs to consider the different options highlighting implications and make appropriate recommendations for consideration by the Council at its 29th Meeting scheduled for August 2014 (*EAC/EX/CM 29/Decision 01*).

1.3 THE EAST AFRICAN COMMUNITY INSTITUTIONAL REVIEW

The Council directed the –

- (a) Secretariat to prepare a standard format to guide Partner States consultations and circulate it by 15th May, 2014 (*EAC/EX/CM 29/Directive 07*);
- (b) Partner States to finalize the consultation and submit the comments to the Secretariat by 30th May, 2014 (*EAC/EX/CM 29/Directive 08*);
- (c) Secretariat to convene a Meeting of Experts comprising one Expert per Partner State by early June 2014 (*EAC/EX/CM 29/Directive 09*);
- (d) Secretariat to fund the Meeting of Experts through internal budgetary reallocation (*EAC/EX/CM 29/Directive 10*);
- (e) Secretariat to submit the Report of the Experts to the Sectoral Council of Ministers Responsible for EAC Affairs and Planning scheduled for June 2014 and thereafter report to the 29th Meeting of the Council scheduled for August 2014 (*EAC/EX/CM 29/Directive 11*); and

- (f) Secretariat to closely coordinate work on institutional review and the modalities on sustainable financing of the East African Community with a view to presenting the Report to the Joint Meeting of the Sectoral Council of Ministers Responsible for EAC Affairs and Planning and the Sectoral Council of Ministers of Finance for consideration by 30th July 2014 and thereafter the Council at its 29th Meeting scheduled for August 2014 (*EAC/EX/CM 29/Directive 12*).

1.4 **NEGOTIATIONS ON THE ADMISSION OF THE REPUBLIC OF SOUTH SUDAN INTO THE EAST AFRICAN COMMUNITY**

The Council took note of the developments on the Negotiations for the Admission of the Republic of South Sudan into the East African Community and notify the Summit accordingly (*EAC/EX/CM 29/Decision 02*).

1.5 **REVISED MODEL STRUCTURE, ROAD MAP AND ACTION PLAN FOR THE EAST AFRICA POLITICAL FEDERATION**

The Council directed the –

- (a) Secretariat to –
- (i) initiate the process of drafting a constitution for the political federation
 - (ii) develop a roadmap on what the negotiated constitution making process would involve and report at the 29th Meeting of the Council
 - (iii) make comprehensive evaluation performance on the implementation of the Protocol on the Establishment of EAC Customs Union, Common Market and Monetary Union and other laws of the Community and report at the 29th Meeting of the Council (*EAC/EX/CM 29/Directive 13*);
- (b) Partner States to carry out sensitization and widely consult with key stakeholders on the Political Federation and report at the 29th Meeting of the Council (*EAC/EX/CM 29/Directive 14*).

PART II PROPOSAL FOR ADDITIONAL ITEMS ON THE EAC BUDGET FOR THE FINANCIAL YEAR 2014/2015

2.1 **NYERERE CENTRE FOR PEACE AND RESEARCH**

The Council adopted and referred to the EALA for debate and approval of additional Budget for the FY 2014/2015 amounting to US\$ 84,000 under the EAC Secretariat, to cater for expenditure for the Nyerere Centre for Peace and Research, funded from General Reserve (*EAC/EX/CM 29/Decision 03*).

2.2 **ELECTION OBSERVER MISSION TO THE REPUBLIC OF BURUNDI**

The Council adopted and referred to the EALA for debate and approval of additional Budget for the FY 2014/2015 amounting to US\$ 287,150 under the EAC Secretariat, to cater for expenditure for the Election Observer Mission to the Republic of Burundi, funded from General Reserve (*EAC/EX/CM 29/Decision 04*).

2.3 **OTHER CROSS-CUTTING ADDITIONAL ITEMS**

The Council adopted and referred to EALA for debate and approval of additional budget for the FY 2014/2015 amounting to –

- (a) US\$ 2,748,942 under the EAC Secretariat, funded by contributions from Development Partners (*EAC/EX/CM 29/Decision 05*); and
- (b) US\$ 388,692 under the EAC Organs and Institutions, to cater for the 3% increment of the basic salary for the Financial Year 2014/2015 and funds to be drawn from the Reserve Fund (*EAC/EX/CM 29/Decision 06*).

2.4 LAKE VICTORIA BASIN COMMISSION

The Council adopted and referred to EALA for debate and approval –

- (a) the additional budget of US\$ 1,132,181 to support implementation of the PREPARED and PHE projects activities at the Lake Victoria Basin Commission for the FY 2014/2015 (*EAC/EX/CM 29/Decision 07*); and
- (b) a Supplementary Budget of US\$ 147,370 to support implementation of PHE Programme for the FY 2013/2014 (*EAC/EX/CM 29/Decision 08*).

2.5 EAST AFRICAN CIVIL AVIATION SAFETY AND SECURITY OVERSIGHT AGENCY

The Council approved the FY2014/2015 expenditure budget of CASSOA amounting to US\$ 2,027,740 (*EAC/EX/CM 29/Decision 09*).

2.6 PROPOSED ORGANISATIONAL STRUCTURE, HUMAN RESOURCE REQUIREMENTS AND BUDGET FOR THE OPERATIONALIZATION OF THE EAST AFRICAN HEALTH RESEARCH COMMISSION

The Council –

- (a) approved the proposed Organizational Structure and Human Resource requirements (*EAC/EX/CM 29/Decision 10*);
- (b) adopted a budget amounting to US\$ 924,067 for the Financial Year 2014/2015 for the operationalisation of the proposed East African Health Research Commission to be drawn from the General Reserve Fund (*EAC/EX/CM 29/Decision 11*);
- (c) adopted a budget amounting to US\$ 325,220 to be drawn from the General Reserve Fund, for facilitation of the 5th Annual East African Health and Scientific Conference (*EAC/EX/CM 29/Decision 12*); and
- (d) referred a budget amounting to US\$ 924,067 for the operationalisation of the proposed East African Health Research Commission and a budget amounting to US\$ 325,220 for facilitation of the 5th Annual East African Health and Scientific Conference to EALA for debate and approval provided that no expenditures will be incurred until the Protocol has entered into force (*EAC/EX/CM 29/Decision 13*).

PART III HUMAN RESOURCE MATTERS**3.1 Appointment of a Senior Librarian (P2)**

The Council –

- (a) directed the Secretariat to always ensure that all recruitments are based on merit, subject to Quota System (*EAC/EX/CM 29/Directive 15*); and
- (b) appointed Ms. Roselyn Nyamato Kwenda (Republic of Kenya) who came second best candidate during the interviews with a total score of (82.57) to the position of Senior Librarian (P2) (*EAC/EX/CM 29/Decision 14*).

3.2 Resignation from EAC Service – Ms. Perpetue Miganda (Principal Gender and Community Development Officer)

The Council—

- (a) took note of the resignation of Ms. Miganda from the EAC service with effect from 21st May 2014 (*EAC/EX/CM 29/Decision 15*);
- (b) commended Ms. Miganda for her dedicated service to the Community during her tenure as Principal Gender and Community Development Officer (*EAC/EX/CM 29/Decision 16*); and

- (c) directed the Secretariat to initiate the process of filling in the vacant position of Principal Gender and Community Development Officer (P3) from the Republic of Burundi in line with the EAC Staff Rules and Regulations so as to finish the remaining employment contract of Ms. Perpetue Miganda's term (*EAC/EX/CM 29/Directive 16*).

PART IV PROPOSED COUNCIL DIRECTIVES FOR THE EAC REGIONAL SECURITIES MARKET

The Council –

- (a) adopted the seven Securities Directives (*EAC/EX/CM 29/Decision 17*); and
- (b) directed Partner States to adopt the Seven Directives and implement them accordingly (*EAC/EX/CM 29/Directive 17*).

PART V REPORT ON THE OUTCOME OF THE 15TH MEETING OF THE SECTORAL COUNCIL ON LEGAL AND JUDICIAL AFFAIRS

The Council –

- (a) adopted the draft EAC Trade Negotiations (Repeal) Bill, 2013 and initiated the process of repealing the East African Trade Negotiations Act, 2008 (*EAC/EX/CM 29/Decision 18*);
- (b) directed the Partner States to ensure that before Bills passed by the Legislative Assembly are assented to by Heads of State, the Attorneys General are consulted for appropriate legal advice (*EAC/EX/CM 29/Directive 18*);
- (c) directed—
 - (i) that the current Protocol on The Establishment of the Inter-University Council for East Africa be amended in order to lay a basis for the revision/repeal of the Inter-University Council for East Africa Act 2009; and thereafter
 - (ii) the Secretariat to thereafter prepare a Bill on the Establishment of the Inter-University Council for East Africa based on the amended Protocol (*EAC/EX/CM 29/Directive 19*);
- (d) directed the Secretariat to—
 - (i) re-draft the Protocol on East African Community Regional Cooperation on Health;
 - (ii) submit to Partner States the draft Protocol on East African Community Regional Cooperation on Health by 2nd May, 2014; and
 - (iii) present it to the 16th Meeting of the Sectoral Council on Legal and Judicial Affairs for legal input (*EAC/EX/CM 29/Directive 20*);
- (e) revisited its earlier decision referring only Articles 2 (Scope), 3 (Objectives) and 11 (Institutional Arrangements) of the draft Protocol on Immunities and Privileges of the East African Community, its Organs and Institutions to the 16th Meeting of the Sectoral Council on Legal and Judicial Affairs for legal input (*EAC/EX/CM 29/Decision 19*);
- (f) referred the entire Draft Protocol on Immunities and Privileges of the East African Community, its Organs and Institutions to the 16th Meeting of the Sectoral Council on Legal and Judicial Affairs for legal input (*EAC/EX/CM 29/Decision 20*);
- (g) referred the draft Protocol on Good Governance to the Sectoral Council of Ministers Responsible for EAC Affairs to address the matters raised by the Sectoral Council of Legal and Judicial Affairs (*EAC/EX/CM 29/Decision 21*);
- (h) decided to seek an advisory opinion on the issues of “*forfeiture*” as provided under Article 67 of the Treaty and “*compensation*” as used under Regulation 96(3) of the EAC Staff Rules and Regulations from the East African Court of Justice (*EAC/EX/CM 29/Decision 22*); and

- (i) directed the Secretariat to expedite the preparation of the draft Protocol to Operationalize Extended Jurisdiction of the East African Court of Justice to cover trade and investment and matters associated with the Monetary Union and submit it to the Sectoral Council at its 16th Meeting (*EAC/EX/CM 29/Directive 21*).

PART VI RENEWAL OF CONTRACT OF DR. ENOS S. BUKUKU, DEPUTY SECRETARY GENERAL

The Council recommended to the Summit to retrospectively renew the contract of Dr. Enos S. Bukuku for another 3-year term with effect from 19th April, 2014 (*EAC/EX/CM 29/Decision 23*).

PART VII STATUS OF IMPLEMENTATION OF OUTSTANDING DECISIONS AND DIRECTIVES OF THE SUMMIT

The Council –

- (a) took note of the status of implementation of the Summit decisions (*EAC/EX/CM 29/Decision 24*);
- (b) commended the Partner States and the EAC Secretariat for the good job done in implementing the Summit decisions (*EAC/EX/CM 29/Decision 25*);
- (c) directed the Secretariat to ensure that the decisions and directives contained in the report of the Summit are always in line with what is contained in the Summit Communiqué (*EAC/EX/CM 29/Directive 22*); and
- (d) directed the Partner States and the Secretariat to expeditiously implement all outstanding decisions of the Summit (*EAC/EX/CM 29/Directive 23*).

PART VIII EAC COUNTER TERRORISM STRATEGY

The Council adopted the Regional Counter Terrorism Strategy (*EAC/EX/CM 29/Decision 26*).

Signed by the Heads of Delegation this 29th day of April, 2014.

.....
Prof. Githu Muigai, EGH, SC
 Attorney General
 Office of the Attorney General
 and Department of Justice
THE REPUBLIC OF
KENYA

.....
Hon. Samuel J. Sitta, MP
 Minister for East African
 Cooperation
THE UNITED
REPUBLIC OF
TANZANIA

.....
Hon. Léontine Nzeyimana
 Minister
 Ministry to the Office of the
 President Responsible for
 EAC Affairs
THE REPUBLIC OF
BURUNDI

.....
Hon. Jacqueline
Muhongayire
 Minister for East African
 Community
THE REPUBLIC OF
RWANDA

.....
Hon. Shem Bageine, MP
 Minister of State
 Ministry of East African
 Community Affairs
THE REPUBLIC OF
UGANDA

Legal Notice No. EAC/2/2015.

LEGAL NOTICE

IN EXERCISE of the powers conferred on the Council of Ministers by Section 1 of the EAC Competition Act, 2006, the 1st day of December, 2014, is hereby appointed as the date upon which the EAC Competition Act, 2006 shall come into force.

HON. SAMUEL J. SITTA MP.,
Chairperson, Council of Ministers.