



EAST AFRICAN COMMUNITY GAZETTE

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CONTENTS

BIILLS SUPPLEMENTS

- | | |
|---|----------------------|
| ● A Bill entitled The East African Community Appropriation Bill, 2012 | <i>Bill</i>
No. 6 |
|---|----------------------|

STATUTORY INSTRUMENTS SUPPLEMENTS

- | | |
|--|-------|
| ● The East African Community Customs Management (Compliance and Enforcement) Regulations, 2012 | No. 1 |
|--|-------|

CONTENTS

- | | |
|--|------------------|
| ● Decisions and Directives of the 10 th Extraordinary Summit of Heads of State | <i>Page</i>
2 |
| ● Decisions and Directives of the 24 th Extraordinary Meeting of the Council of Ministers | 3 |

Legal Notice No. EAC/15/2012.

DECISIONS AND DIRECTIVES OF THE 10th EXTRAORDINARY SUMMIT OF HEADS OF STATE

NGURDOTO MOUNTAIN LODGE, ARUSHA, TANZANIA

28th APRIL 2012

On the revised terms and conditions of service for the president and Principal Judge of the East African Court of Justice.

The Summit considered the Council's recommendation on the terms and conditions of service of the President and Principal Judge of the East African Court of Justice and pursuant to Article 25(5) of the Treaty revised the terms and conditions as reflected in the Instrument attached to their report as Annex V.

(EAC/SHS EX 10/Decision 01)

1.0 APPOINTMENT OF A NEW DEPUTY SECRETARY GENERAL

The Summit considered the Council's recommendation and, pursuant to Article 68 of the Treaty, appointed Hon. Jesca Eriyo Deputy Secretary General of the East African Community with effect from 28th April 2012.

(EAC/SHS EX 10/Decision 02)

2.0 RENEWAL OF THE CONTRACT OF MR. JEAN CLAUDE NSENGIYUMVA, DEPUTY SECRETARY GENERAL

The Summit considered the Council's recommendation and, pursuant to Article 68 of the Treaty, renewed the contract of Mr. Jean Claude Nsengiyumva as Deputy Secretary General of the East African Community with effect from 28th April 2012.

(EAC/SHS EX 10/Decision 03)

3.0 REPORT OF THE COUNCIL OF MINISTERS ON THE PROPOSED ATTAINMENT OF A SINGLE CUSTOMS TERRITORY

The Summit directed the Council to initiate the operationalisation of this matter and report progress at the 14th Ordinary Summit in November 2012.

(EAC/SHS EX 10/Directive 02)

4.0 REPORT OF THE COUNCIL OF MINISTERS ON THE APPLICATION OF THE REPUBLIC OF SOUTH SUDAN TO JOIN THE EAST AFRICAN COMMUNITY

The Summit directed the Council to expedite this process and report at the 14th Ordinary Summit in November 2012.

(EAC/SHS EX 10/Directive 03)

5.0 STATEMENT BY HE THE CHAIRPERSON OF THE SUMMIT

The Chairperson of the Summit noted the intensified strategic efforts towards deepening regional integration. In this regard he underscored the need to implement the 4th EAC Development Strategy which is expected to stimulate investments, promote employment and spur rapid economic development. For purposes of progress he urged the Partner States and the Council of Ministers to progress the elimination of non-tariff barriers, the easing of mobility of persons across borders, the implementation of key programmes in infrastructure and industrialisation. Regarding some of the matters discussed at the Summit, HE The Chairperson stressed the need for the establishment of a single customs territory and the maintenance of regional peace and security.

On behalf of the Summit he expressed his appreciation to Hon. Kiraso for her diligent and committed service to the Community. He also thanked the members of the Second East African Legislative Assembly for their commendable efforts during the last five years.

6.0 CONSIDERATION AND ADOPTION OF THE COMMUNIQUE OF THE SUMMIT

The Summit considered and adopted a Communiqué which is attached to their report as Annex VIII.

(EAC/SHS EX 10/Decision 04)

**DECISIONS AND DIRECTIVES OF THE 24TH EXTRA-ORDINARY MEETING OF THE
COUNCIL OF MINISTERS**

20th - 26th APRIL, 2012 AICC, Arusha, Tanzania

**PART I RECOMMENDATIONS ON THE APPOINTMENT OF ONE NEW DEPUTY SECRETARY GENERAL
AND RENEWAL OF CONTRACT FOR ONE DEPUTY SECRETARY GENERAL**

1.1 APPOINTMENT OF ONE NEW DEPUTY SECRETARY GENERAL

1.2 RENEWAL OF CONTRACT OF MR. JEAN CLAUDE NSENGIYUMVA

The Council recommended to the Summit to -

- (a) appoint Hon. Jesca Eriyo from the Republic of Uganda as Deputy Secretary General of the East African Community (*EAC/EX/CM 24/Decision 01*);
- (b) commend Hon. Beatrice B. Kiraso for her outstanding service to the Community and wish her well in her future endeavours (*EAC/EX/CM 24/Decision 02*); and
- (c) renew the contract of Mr. Jean Claude Nsengiyumva from the Republic of Burundi as Deputy Secretary General (*EAC/EX/CM 24/Decision 03*).

**PART II REPORT ON THE APPLICATION OF THE REPUBLIC OF SOUTH SUDAN TO JOIN THE EAST
AFRICAN COMMUNITY**

The Council—

- (a) approved the verification process for the application of the Republic of South Sudan to join the East African Community (*EAC/EX/CM 24/Decision 04*);
- (b) established a Verification Committee composed of 3 Experts from each Partner State and 3 experts from the Secretariat to facilitate the exercise (*EAC/EX/CM 24/Decision 05*);
- (c) approved the Terms of Reference for the Verification Committee; (*EAC/EX/CM 24/Decision 06*);
- (d) directed Partner States to nominate experts mentioned under (b) above by 11th May 2012 (*EAC/EX/CM 24/Directive 01*);
- (e) directed the Verification Committee to submit the report of the verification exercise to the 25th Meeting of the Council scheduled for August 2012 for consideration (*EAC/EX/CM 24/Directive 02*);
- (f) directed the Secretariat to re-allocate internally US\$ 58,800 to cater for preparation meetings for the verification exercise on the Republic of South Sudan (*EAC/EX/CM 24/Directive 03*); and
- (g) directed the Secretariat to include the remaining amount of US\$ 177,300 in the budget of the next Financial Year 2012/2013 from the General Reserve Fund (*EAC/EX/CM 24/Directive 04*).

PART III THE EAST AFRICAN COMMUNITY VEHICLE LOAD CONTROL BILL, 2012**The Council -**

- (a) adopted the draft EAC Vehicle Load Control Bill, 2012
(*EAC/EX/CM 24/Decision 07*);
- (b) referred the draft EAC Vehicle Load Control Bill, 2012 to the Sectoral Council on Legal and Judicial Affairs to make legal input by 30th June, 2012
(*EAC/EX/CM 24/Decision 08*).

PART IV EAST AFRICAN COMMUNITY PROTOCOL ON PREVENTING AND COMBATING CORRUPTION**The Council—**

- (a) directed the Secretariat to convene a meeting of legal experts and representatives of Anti-Corruption Agencies to work on the Protocol on Preventing and Combating Corruption immediately preceding the 14th Meeting of the Sectoral Council on Legal and Judicial Affairs that will make legal input to the Protocol
(*EAC/EX/CM 24/Directive 05*); and
- (b) directed the Secretariat to develop guidelines specifying which protocols should be signed by the Heads of State and those to be signed by the line Ministers for consideration by the 26th Meeting of the Council
(*EAC/EX/CM 24/Directive 06*).

PART V EAST AFRICAN COMMUNITY PROTOCOL ON CO-OPERATION IN DEFENCE

The Council revised the Protocol on Co-operation in Defence and submitted it to the Summit for approval and signature.
(*EAC/EX/CM 24/Decision 09*).

PART VI REPORT OF THE EXTRA-ORDINARY MEETING OF THE SECTORAL COUNCIL ON TRADE, FINANCE, INDUSTRY AND INVESTMENT ON THE ATTAINMENT OF A SINGLE CUSTOMS TERRITORY**The Council —**

- (a) recommended to the Summit to adopt the implementation of the Single Customs Territory;
(*EAC/EX/CM 24/Decision 10*);
- (b) adopted in principle the Destination Model of clearance of goods where assessment and collection of revenue is at the first point of entry and revenues are remitted to the destination Partner States subject to the fulfilment of key pre-conditions to be developed by the High Level Task Force;
(*EAC/EX/CM 24/Decision 11*);
- (c) directed the Secretariat to develop the TORs for the High Level Task Force for consideration by Sectoral Council on Trade, Industry, Finance and Investment by 1st June 2012
(*EAC/EX/CM 24/Directive 07*);
- (d) established a High Level Task Force to develop a mechanism for the operationalisation of the Single Customs Territory;
(*EAC/EX/CM 24/Decision 12*);
- (e) directed Partner States to nominate experts for the High Level Task Force by end of July 2012;
(*EAC/EX/CM 24/Directive 08*); and

- (f) approved a budget of US\$ 360,000 for the Financial Year 2012/2013 from the General Reserve Fund to finance the activities of the Single Customs Territory
(EAC/EX/CM 24/Decision 13).

PART VII REPORT OF THE DEDICATED MINISTERIAL MEETING ON THE ELIMINATION OF NON-TARIFF BARRIERS

The Council adopted the Report of the Sectoral Council on Trade, Industry, Finance and Investment on the elimination of Non-Tariff Barriers
(EAC/EX/CM 24/Decision 14).

PART VIII REPORT OF FINANCE AND ADMINISTRATION COMMITTEE

The Council –

- (a) took note of the status of Partner States' Contributions as at 20th April, 2012
(EAC/EX/CM 24/Decision 15); and
- (b) directed the Republic of Kenya, the Republic of Uganda, and the United Republic of Tanzania to settle their outstanding obligations and adhere to the Council decision EAC/CM EX/15/Decision 08, urging "Partner States to always effect their contributions to the EAC Budget during the first half of the Financial Year"
(EAC/EX/CM 24/Directive 09).

8.1.1.2 The Inter-University Council of East Africa

The Council -

- (a) took note of the status of Partner States' contribution to the IUCEA Budget as at 20th April 2012
(EAC/EX/CM 24/Decision 16);
- (b) directed the Secretariat to expeditiously make proposals on mainstreaming the IUCEA budget into the EAC Budget framework and submit the proposals to the 25th Meeting of the Council for consideration
(EAC/EX/CM 24/Directive 10); and
- (c) directed Partner States to adhere to the directive of the 24th Meeting of the Council to timely remit their contribution to the Inter-University Council for East Africa
(EAC/EX/CM 24/Directive 11).

8.1.2 Status of General Reserves

The Council -

- (a) took note of the status of the General Reserve Account as at 20th April 2012
(EAC/EX/CM 24/Decision 17); and
- (b) directed the Secretariat to ensure that Organs and Institutions adhere to the provisions of Regulation 17 (1) of the Financial Rules and Regulations governing unutilized funds
(EAC/EX/CM 24/Directive 12).

8.1.3 Investment in Fixed Deposits

The Council took note of the status of investment in Fixed Deposits as at 20th April 2012
(EAC/EX/CM 24/Decision 18).

8.1.4 Requests for Re - Allocation of Funds

The Council -

- (a) approved re-allocation of funds amounting to US\$ 300,670 within the 2011/12 financial year's budget to meet recruitment expenses
(EAC/EX/CM 24/Decision 19); and

- (b) directed the Secretariat to ensure that all personnel emoluments for the new staff to be recruited for every Financial Year, where applicable, should be budgeted for six months
(EAC/EX/CM 24/Directive 13).
- (c) directed the Secretariat to be cost effective in the recruitment processes
(EAC/EX/CM 24/Directive 14).

8.1.4.2 Settlement of Court Case Costs – US\$ 52,534.10

The Council -

- (a) deferred the approval of re-allocation of US\$ 52,534.10 to settle case costs related to EACJ Reference No. 1 of 2010
(EAC/EX/CM 24/Decision 20);
- (b) directed the Secretariat to explore all the possibilities of an appeal or any other legal remedies available against the impugned decision of the Court
(EAC/EX/CM 24/Directive 15); and
- (c) directed the Secretariat to ensure that in future all litigation with policy and financial implications are immediately brought to the attention of the Partner States
(EAC/EX/CM 24/Directive 16).

8.1.4.3 Formulation of the Model and Work Plan towards the EAC Political Federation - US\$ 109,020

The Council approved the reallocation of US\$ 109,020 for the formulation of the model and work plan towards the EAC Political Federation.
(EAC/EX/CM 24/Decision 21).

1.1.5 East African Court of Justice – US\$ 373,000

The Council approved re-allocation of funds amounting to US\$ 373,000 within EACJ 2011/12 financial year's budget to facilitate its activities
(EAC/EX/CM 24/Decision 22).

1.1.6 East African Legislative Assembly – US\$ 237,581

The Council –

- (a) retrospectively approved re-allocation of US\$ 237,581 within the EALA budget for the Financial Year 2011/2012 to cater for the new activities
(EAC/EX/CM 24/Decision 23);
- (b) urged EALA to adhere to Regulation 8 (5) of the Financial Rules and Regulations
(EAC/EX/CM 24/Decision 24); and
- (c) re-iterated its earlier directive to the Secretariat to expedite the finalization of the draft criteria and guidelines on re-allocations and supplementary budgets and submit the proposal to the 25th Meeting of the Council for consideration
(EAC/EX/CM 24/Decision 25).

1.1.7 Civil Aviation Safety and Security Oversight Agency (CASSOA) – Re-Allocation of US\$ 127,423

The Council approved the budget re-allocation amounting to US\$ 127,423 (EAC/EX/CM 24/Decision 26).

1.1.8 Opening of Bank Account and Use of Credit Cards

The Council –

- (a) approved the opening of a Bank Account for EALA with the Kenya Commercial Bank in Arusha
(EAC/EX/CM 24/Decision 27);

- (b) deferred the approval for the use of credit cards (*EAC/EX/CM 24/Decision 28*); and
- (c) directed the Secretariat to study the matter further and develop a proposal on the use of credit cards based on best practices and submit it to the 25th Meeting of Council for consideration (*EAC/EX/CM 24/Directive 17*).

1.1.9 Settlement of Outstanding Dues to Consultants

The Council approved the outstanding dues to the Consultants to be paid from the budget of the Financial Year 2012/2013, provided that the Secretariat does not enter into such contracts without the necessary approval (*EAC/EX/CM 24/Decision 29*).

1.1.10 Review of the EAC Financial Rules and Regulations

The Council directed the Secretariat to convene a Dedicated Session of the Finance and Administration Committee by end of May, 2012 to review the EAC Financial Rules and Regulations and make appropriate recommendations to 25th Meeting of the Council (*EAC/EX/CM 24/Directive 18*).

1.1.11 Budget Estimates for the Financial Year 2012/2013

The Council -

- (a) adopted the EAC-Budget Estimates amounting to US\$ 124,414,444 to enable the Secretariat, EALA, EACJ and LVBC to discharge their mandate for the Financial Year 2012/2013 (*EAC/EX/CM 24/Decision 30*);
- (b) adopted the IUCEA Budget Estimates amounting to US\$ 10,105,618 to enable IUCEA to discharge its mandate for the Financial Year 2012/2013 (*EAC/EX/CM 24/Decision 31*);
- (c) adopted the LVFO Budget Estimates amounting to US\$ 3,203,041 to enable LVFO to discharge its mandate for the Financial Year 2012/2013 (*EAC/EX/CM 24/Decision 32*);
- (d) referred the same to the East African Legislative Assembly for debate and approval (*EAC/EX/CM 24/Decision 33*);
- (e) directed the Secretariat to prepare quarterly budget performance reports and submit them to the Sectoral Council on EAC Affairs and Planning (*EAC/EX/CM 24/Directive 19*); and
- (f) directed the Secretariat to send operational plans to Partner States and convene a meeting of the Finance and Administration Committee to consider the EAC budget by mid-January each year (*EAC/EX/CM 24/Directive 20*).

1.1.12 The Annual Programme of Activities and Budget for the FY 2012/2013 and Estimates for 2013/2014 - 2014/2015 for the Civil Aviation Safety and Security Oversight Agency

The Council -

- (a) approved the Agency's FY 2012/2013 Annual Programme of Activities and budget amounting to US\$ 2,080,110 (*EAC/EX/CM 24/Decision 34*);
- (b) directed the Secretariat to create one budget line for Audit activities with effect from FY 2013/2014 (*EAC/EX/CM 24/Directive 21*); and

- (c) directed CASSOA and the Secretariat to reconcile the Protocol Establishing the East African Community Civil Aviation Safety and Security Oversight Agency with the provisions of the Treaty and submit proposals to the 26th Meeting of the Council for consideration
(EAC/EX/CM 24/Directive 22).

1.1 HUMAN RESOURCE MATTERS

1.1.1 Renewal of Contract

The Council renewed the contract of Mr. Joseph A. Malesi as Accountant (P1) for the East African Legislative Assembly for a final period of five years effective from due date
(EAC/EX/CM 24/Decision 35).

1.1.2 Staff Recruitment - Lake Victoria Basin Commission

The Council -

- (a) appointed Mr. Alex Mukunzi Ruharo to the position of Legal Officer (P1) at LVBC Secretariat
(EAC/EX/CM 24/Decision 36); and
- (b) directed the Republic of Burundi, Republic of Rwanda and the Republic of Uganda to submit their comments on the Quota System Operational Manual by 15th May, 2012 failure to which the Manual will be finalised and made operational by 30th May, 2012
(EAC/EX/CM 24/Directive 23).

1.1.3 Re-Categorisation of General Staff

The Council -

- (a) deferred consideration of this matter pending harmonisation of Job Descriptions and details of the current grading for all positions under General Staff Category in all Organs and Institutions
(EAC/EX/CM 24/Decision 37); and
- (b) directed the Secretariat to convene a Dedicated Meeting of the Finance and Administration Committee by May 2012, to consider the matter in (a) above and the review of the EAC Financial Rules and Regulations as recommended under 8.1.10 by end of May 2012 and make appropriate recommendations to the 25th Meeting of the Council
(EAC/EX/CM 24/Directive 24).

1.1.4 Operationalisation of Full Time Residence in Arusha for the Judge President and Principal Judge of the East African Court Of Justice

1.1.4.1 Proposed Remuneration for the Judge President and Principal Judge

The Council -

- (a) approved the proposed remuneration of the Judge President and the Principal Judge on full time basis
(EAC/EX/CM 24/Decision 38);
- (b) directed that the proposed remuneration be implemented with effect from 1st July 2012
(EAC/EX/CM 24/Directive 25); and
- (c) submitted the proposed remuneration for the Judge President and the Principal Judge to Summit for approval
(EAC/EX/CM 24/Decision 39).

1.1.5 Request for Additional Staff to Support the Offices of Judge President and Principal Judge

The Council -

- (a) approved establishment of one (1) position of Office Attendant (O1) under the East African Court of Justice
(EAC/EX/CM 24/Decision 40); and

- (b) directed that the recruitment process of the four support staff be commenced in January 2013 and in accordance with the EAC Staff Rules and Regulations (*EAC/EX/CM 24/Directive 26*).

1.1.6 Administrative Matters – Progress Report on EAC Headquarters

The Council –

- (a) took note of the progress made on the Headquarters (*EAC/EX/CM 24/Decision 41*);
- (b) urged the United Republic of Tanzania to finalise the construction of the road to the new headquarters (*EAC/EX/CM 24/Decision 42*);
- (c) commended the Secretariat on the progress registered (*EAC/EX/CM 24/Decision 43*);
- (d) directed the Secretariat to finalize the 5% pending work by June 2012 (*EAC/EX/CM 24/Directive 27*); and
- (e) directed the Secretariat to propose a convenient date for the official opening of the EAC Headquarters (*EAC/EX/CM 24/Directive 27a*).

1.1.7 Recruitment of the Executive Director, CASSOA

The Council -

- (a) appointed Mr. Barry Armington Kashambo (Uganda) to the position of Executive Director, CASSOA with effect from 1st June 2012 (*EAC/EX/CM 24/Decision 44*); and
- (b) commended Mr. Mtesigwa Maugo for his outstanding service to the Community and wished him well in his future endeavours (*EAC/EX/CM 24/Decision 45*).

1.1.8 Job Advertisement

- (i) Senior Procurement Officer (P2);
- (ii) Sergeant at Arms (P2);
- (iii) Security Officer (P1);
- (iv) Library Assistant (G4);
- (v) Personal Secretary (G4); and
- (vi) Network Assistant (G4).

The Council -

- (a) directed the Secretariat to stay the short-listing process for the above positions and re-advertise the said positions (*EAC/EX/CM 24/Directive 28*); and
- (b) directed the Secretariat to re-allocate US\$ 7,000 within FY 2011/12 to cater for the re-advertisement cost (*EAC/EX/CM 24/Directive 29*).

PART IX EAST AFRICAN COMMUNITY'S PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON SUSTAINABLE DEVELOPMENT (RIO+20) SUMMIT

The Council –

- (a) took note of the status of EAC's preparations for participation at the United Nations Conference on Sustainable Development (Rio+20 Summit) (EAC/EX/CM 24/Decision 46);
- (b) directed the Secretariat to submit the EAC Consensus Statement and the EAC Key Message on Rio+20 Summit to Partner States for comments by 15th May 2012, (EAC/EX/CM 24/Directive 30); and
- (c) directed the Secretariat to thereafter transmit the EAC Consensus Statement and the EAC Key Message on Rio+20 Summit to the Chairperson of the EAC Summit, (EAC/EX/CM 24/Directive 31).

PART X SUBMISSION OF DOCUMENTS TO THE SUMMIT FOR APPROVAL

The Council directed the Secretariat to ensure that legal and other EAC documents are not submitted to the Council or Summit for approval unless such documents have been subjected to all the relevant approval procedures. (EAC/EX/CM 24/Directive 32).