

# Chapter 6

## The East African Community

### 1 Introduction

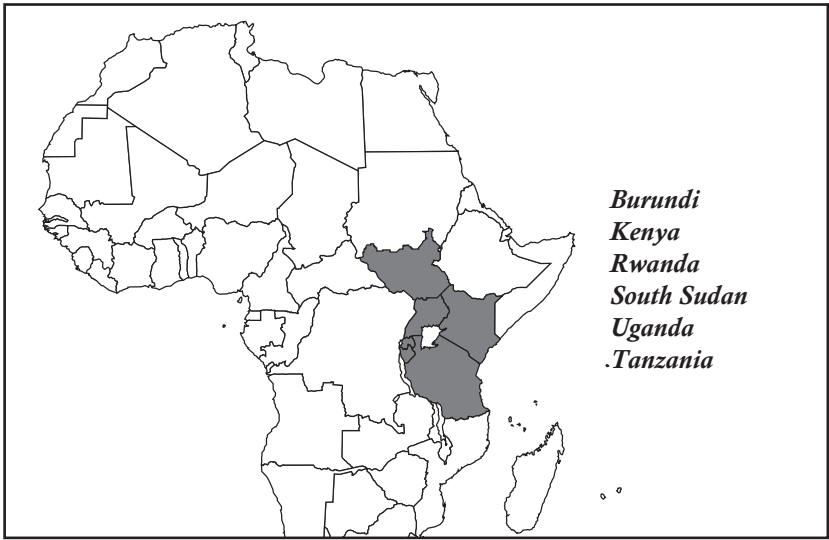
On 30 November 1993, the presidents of Kenya, Tanzania and Uganda signed the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation and formally established the Permanent Tri-partite Commission for East African Co-operation. The 1993 Agreement and Commission succeeded several attempts at regional integration between 1948 and 1977; and preceded the establishment of the East African Community (EAC) of 2000 in its current form. On 30 November 1999, a treaty to 're-establish' the EAC was signed. Prior to the establishment of the Tripartite Commission, the governments of Kenya, Tanzania and Uganda were involved in several successive regional integration and co-operation institutions. The first of these was a customs union between Kenya and Uganda formed in 1917 (joined in 1927 by Tanganyika or modern-day Tanzania). Thereafter an East African High Commission was established between 1948-1961, followed by the East African Common Services Organisation (1961-1967) and the East African Community (1967-1977). The 'Treaty for the Establishment of the East African Community' formally established the EAC and came into force on 7 July 2000.

The EAC is made up of seven principal organs: the Summit, composed of the Heads of Government of each member state (referred to as Partner States); the Council of Ministers, the central decision-making organ of the EAC comprised of Ministers or Cabinet members of the respective Partner States; the Coordinating Committee, responsible for regional cooperation and coordination of the Sectoral Committees; the relevant Sectoral Committees; the East African Court of Justice; the East African Legislative Assembly and the Secretariat.

Where peace and security in the region concern, the EAC Partner States have concluded several agreements aimed at fostering security and stability. Among these include agreements to combat drug trafficking, terrorism and maritime piracy. Additionally, the EAC Partner States have adopted extensive agreements aimed towards facilitating military training and interoperability between each Partner States' Armed Forces. Interestingly, the EAC has included in its regional peace and security instruments the combatting of cattle rustling – a unique inclusion among African regional

communities identifying it as a ‘threat to peace and security’ in the region which the EAC views as fundamental in combatting. Unlike other Regional Economic Communities, the EAC does not have a specific (nor central) organ dedicated to peace and security. Instead, several committees and working groups regulate the EAC inter-state response to threats to peace and security.

**Member States**



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## 2 Treaties

### **Treaty Establishing the East African Community (EAC) (1999/2000)**

Full title: The Treaty for the Establishment of the East African Community

Date/place of adoption/conclusion: 30 November 1999, Arusha, Tanzania

Entered into force (EIF): 7 July 2000

EIF provision: Article 152

Available online at: <https://bit.ly/2Z9Rxjw>

\* Subsequently amended on 14 December 2006 and 20 August 2007.

#### *Excerpts*

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#### **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 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.

...

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:

...

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

...

***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***

...

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.

...

**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.

...

## **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.

...

### ***Article 11: Functions of the Summit***

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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.

...

## **Chapter Twenty-Three: Co-operation in Political Matters**

### ***Article 23: 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 cooperation 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.

...

### *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 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.
- ...

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**Protocol on Combatting Illicit Drug Trafficking in the East African Region (2001)**

Full title: EAC Protocol on Combatting Illicit Drug Trafficking in the East African Region  
 Date/place of adoption/conclusion: 13 January 2001, Arusha, Tanzania  
 EIF provision: Article 12  
 Authentic texts: English  
 Available online at: <https://bit.ly/2ZaV11S>

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**Protocol on Foreign Policy Coordination (2010)**

Full title: EAC Protocol on Foreign Policy Coordination  
 Date/place of adoption/conclusion: 3 December 2010, Arusha, Tanzania  
 EIF provision: Article 13  
 Available online at: <https://bit.ly/3gI1KKc>



*Excerpts*

...

**And whereas** under the provisions of paragraph 1 of Article 151 of the Treaty, the Partner States undertook to conclude such Protocols as may be necessary in each area of Cooperation which shall spell out the objectives, scope of the institutional mechanisms for cooperation and integration;

**Aware that** the provisions of sub paragraph (h) of paragraph 1 of Article 142 of the Treaty saved the Memorandum of Understanding on Foreign Policy Coordination between the Partner States signed on 22nd January 1999;

**Recognising** the provisions of Articles 5, 6 and 123 of the Treaty;

...

The East African Community Partner States agree as follows:

...

*Article 2: Scope of Cooperation*

The Partner States undertake to co-operate in foreign policy co-ordination and to promote and articulate Community policies and strategies for the purposes of:

- (a) collaboration in diplomatic and consular matters;
- (b) collaboration in multilateral diplomacy;
- (c) collaboration in economic and social activities; and
- (d) collaboration in capacity building.

*Article 3: Principles*

1. The Partner States shall cooperate and coordinate in matters of foreign policy in accordance with Articles 5, 6, 7, 123, 124 and 125 of the Treaty.
2. Without prejudice to paragraph 1, the Partner States undertake to observe, among others, the following principles of foreign policy:

...

- (b) defence of justice, human rights, equality, good governance, the rule of law and democracy;
- (c) mutual respect, sovereignty and the territorial integrity of the Partner States;
- (d) promotion of peaceful co-existence and good neighbourliness, regional cooperation and integration;
- (e) promotion of regional peace and security;
- ...
- (g) respect for international law.

*Article 4: Objectives*

- (a) promote development and harmonization of policies and strategies to support foreign policy co-ordination;
- (b) safeguard the common values and interests of the Community;

- (c) develop and promote the consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms within the Community and with foreign countries;
- (d) preserve peace and strengthen security among the Partner States and with foreign countries;
- (e) provide operational mechanisms within which to fully effect the coordination of the foreign policies of the Partner States;
- ...
- (h) enhance cooperation in the fight against international crimes.
- ...

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### Protocol on Cooperation in Defence Matters (2012/2015)

Full title: East African Community Protocol on Co-Operation in Defence Affairs

Date/place of adoption/conclusion: 28 April 2012, Arusha, Tanzania

Entered into force (EIF): 19 November 2015

EIF provision: Article 26

Available online at: <https://bit.ly/2ZQHFKT>

#### Preamble

We, the Heads of State of the Partner States of the East African Community;

**Taking cognisance** of the Treaty for the Establishment of the East African Community;

**Desiring** to establish a framework for Co-operation in Defence in accordance with Article 125 of the Treaty;

**Committed** to the establishment of a framework for close co-operation in defence affairs for the promotion of peace, security and stability within and good neighbourliness among the East African Community Partner States (hereinafter referred to as 'the Partner States') in accordance with the objectives of the Community;

**Re-affirming** our faith in the purposes and principles of the Charter of the United Nations, the Constitutive Act of the African Union and our desire to live in peace with all peoples and governments;

**Recognising** the principles of strict respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, non aggression and non-interference in each Partner

State's in internal affairs:

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

**Conscious** of the fact that close co-operation, mutual understanding and collaboration in matters of defence will be to the mutual benefit of our countries;

**Desirous** of establishing and consolidating further ties of friendship and fraternity between our countries and our Armed Forces;

**Inspired** by the need to establish an effective mechanism of cooperation in defence affairs;

Hereby agree as follows:

...

### *Article 2: Scope of Co-operation*

1. The Partner States shall cooperate in all defence affairs and collaboration with international and regional organisations to promote peace, security and stability in the Community.
2. Without prejudice to the generality of this Article, the Partner States agree, to *inter alia* cooperate in the following areas:
  - (a) military training;
  - (b) joint Operations;
  - (c) technical Co-operation;
  - (d) visits and exchange of information.

### *Article 3: Objectives*

The objectives of this Protocol are:

- (a) develop, promote and pursue policies and programmes aimed at widening and deepening cooperation among the Partner States in defence affairs for their mutual benefits.
- (b) promote peace, security and stability within, and good neighbourliness among Partner States in order to guarantee the protection and preservation of life and property, the wellbeing of the people in the Community and their environment as well as the creation of conditions conducive to sustainable development.
- (c) anticipate and prevent conflicts. In circumstances where conflicts have occurred to undertake Peace Support Operations and Peace Building functions for the resolution of such conflicts.
- (d) promote and implement peace -building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence.
- (e) coordinate and harmonise regional efforts in the prevention and combating of international terrorism in all its aspects.
- (f) undertake such other activities ancillary to cooperation in defence affairs that are calculated to further the objectives of the Community,

as the Partner States may from time to time determine.

#### ***Article 4: Fundamental Principles***

The fundamental principles that shall govern the Partner States in the achievement of the objectives under this Protocol 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) cooperation for mutual benefit.

#### ***Article 5: Operational Principles***

1. The operational principles that shall govern the practical achievement of the objectives of this Protocol shall include:
  - (a) the provision by the Partner States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
  - (b) principles of subsidiarity with emphasis on multilevel participation and the involvement of wide range of stakeholders in the process of integration;
  - (c) the principle of variable geometry which allows for the progression in cooperation among groups within the Community for wider integration schemes in various fields and at different speeds.
  - (d) the equitable distribution of benefits accruing or to be derived from the operations of the EAC and measures to address imbalances that may arise from such operations;
  - (e) the principle of complementarity; and
  - (f) the principle of a symmetry.
2. The Partner States undertake to abide by the principles of good governance including the adherence to the principles of democracy, the role of law, social justice and the maintenance of universally accepted standards of human rights.

#### ***Article 6: Military Training***

The Partner States agree to cooperate in military training. For this purpose, the Armed Forces of the Partner States shall:

- (a) offer vacancies at each other's military training institutions and facilities for training of personnel and for any other military duties related to training as may be jointly decided upon;
- (b) endeavour to have joint, conferences and training seminars;
- (c) exchange students and directing staff at their training colleges;

- (d) undertake training in joint Peace Support Operations as may be jointly agreed and shall endeavour to harmonise their syllabi and guidelines in regard to peace support operations; and
- (e) as and when agreed, conduct joint training exercises in disaster management, anti or counter terrorism and search and rescue operations.

### ***Article 7: Joint Operations***

The Partner States agree to undertake joint operations. For this purpose, the Armed Forces of the Partner States shall cooperate in:

- (a) handling disasters as well as search and rescue operations, develop and implement necessary mechanisms in support of civil authorities and such other related matters as may be mutually agreed.
- (b) joint formulation of mechanisms for the operationalization of Peace Support Operations within the contexts of the United Nations Charter and the Constitutive Act of the African Union.
- (c) aid to civil authority in disarmament, maritime patrol and surveillance establishing an early warning mechanism and in combating terrorism and cattle rustling.

### ***Article 8: Technical Cooperation***

The Partner States agree to undertake joint technical cooperation. For this purpose, the Armed Forces of the Partner States shall cooperate in:

- (a) the supply and acquisition of spares, use, repair and maintenance of military equipment;
- (b) military research and development and to this extent offer each other research facilities;
- (c) establishing and maintaining reliable and secure communication facilities between the Chiefs of Defence of their Armed Forces and shall encourage general communication at different levels in order to foster co-operation in defence;
- (d) support of the joint utilisation of each other's defence industries and facilities.

### ***Article 9: Visits and Exchange of Information***

1. The Partner States agree to cooperate in visits and exchange of information.
2. For the purpose of paragraph 1, the Armed Forces of the Partner States shall cooperate in visits, information and cultural exchanges, rifle ranges and sports competitions in order to enhance co-operation and spirit of comradeship amongst the Armed Forces of the Partner States.

### ***Article 10: Institutional Coordination Mechanisms***

The institutional coordination organs of the EAC Partner States' Armed Forces are hereby established as follows:

1. The Sectoral Council on Cooperation in Defence Affairs;
2. The Consultative Committee on Cooperation in Defence Affairs;
3. The Sectoral Committee on Cooperation in Defence Affairs;
4. Defence Experts Working Groups.

***Article 11: Composition and Functioning of the Sectoral Council***

1. The Sectoral Council shall consist of the Ministers of the Partner States responsible for defence affairs.
2. The functions of the Sectoral Council shall be to:
  - (a) make decisions and develop policies as directed by Summit of the Heads of State; and
  - (b) implement decisions of the Summit of Heads of State.
  - (c) review and consider reports from the Consultative Committee and coordinate their activities.

***Article 12: Composition and Functioning of the Consultative Committee***

1. The Consultative Committee shall be composed of the Permanent Secretaries of the Partner States responsible for defence affairs and Chiefs of Defence Forces.
2. The functions of the Consultative Committee shall be to:
  - (a) monitor and constantly review the implementation of the decisions of the Sectoral Council; and
  - (b) review and consider reports from the Sectoral Committee and coordinate their activities.

***Article 13: Composition and Functioning of the Sectoral Committee***

1. The Sectoral Committee shall be composed of senior officers of the Armed Forces and such other officers as each Partner State may determine.
2. The functions of the Sectoral Committee shall be:
  - (a) prepare comprehensive implementation programme and set out priorities with respect to cooperation in defence affairs.
  - (b) submit from time to time reports and recommendations to the Consultative Committee on the implementation of the Protocol.

***Article 14: Defence Experts Working Groups***

1. The Defence Experts Working Groups may from time to time be formed by the Sectoral Council on Cooperation in defence affairs to discharge such responsibilities as may be deemed necessary by the Sectoral Council.
2. The Defence Experts Working Groups in discharge of their duties shall determine their own procedures.

***Article 15: Coordination Offices***

1. The coordination offices are hereby established as follows:
  - (a) the Defence Liaison Office;
  - (b) East African Community Desk in each Armed Forces Headquarters;
  - (c) any other office as may be established by the Sectoral Council.
2. The Defence Liaison office at the Secretariat of the East African Community shall be:
  - (a) manned by senior officers not being the rank of Colonel seconded from the Armed Forces for a renewable term of three years who will be classified as professional officers of the Community;
  - (b) responsible in the Sectoral Committee on cooperation in Defence Affairs matters of the Community except in respect to defence matters of an operational nature.
3. The functions of the Defence Liaison Office shall be to:
  - (a) provide the coordination link between the Armed Forces of the Partner States and the Secretariat;
  - (b) undertake research work on all agreed military issues; and
  - (c) perform such other duties as may be assigned by the Secretary General of the Community.
4. Each Liaison Officer shall:
  - (a) be answerable to the Secretary General of the Community on administration matters and to the Armed Forces headquarters of their respective Partner States on all defence matters;
  - (b) be bound by Staff Rules and Regulations of the Secretariat in addition to being subject to military law of their respective countries;
  - (c) ensure that classified documents in his or her custody are not handled by unauthorized staff.
5. In the event of misconduct by a Defence Liaison Officer, the Secretary General will report to the Armed Forces Headquarters of the Partner State concerned and make appropriate recommendations, including the withdrawal of the Officer.
6. There shall be a Chair of the Defence Liaison Officers who shall be appointed in accordance with the practice of the Community.
7. The Chair shall be responsible for:
  - (a) coordination between the Defence Liaison Officers and Secretary General.
  - (b) coordination and implementation of the Defence sector programmes and decisions within the Community Secretariat.
  - (c) performance of any other duties as may be assigned by the Secretary General.
8. There shall be a Desk at the Armed Forces Headquarters of each Partner State to be called the East African Community Desk.
9. The East African Community Desk shall provide liaison between the Armed Forces Headquarters and the Secretariat.

***Article 16: Access and Movement of the Armed Forces***

1. The Partner States shall cooperate in the areas of Access and Movement of their Armed Forces.
2. For purposes of paragraph 1, the Armed Forces of the Partner States shall as mutually agreed from time to time:
  - (a) use each other's military airfield, seaports and land-based facilities for visits, training, exercises, refuelling, navigation and for other acceptable military purposes;
  - (b) access each other's military facilities in accordance with such procedure as shall be agreed.
3. The Partner States shall exempt from compulsory insurance, registration licencing, testing or payment of levies, fees, charges and tolls to visiting vessels, vehicles and aircraft which belong to the Armed Forces of any of the Partner States;
4. The Partner States shall grant entry to members of the Armed Forces of one Partner State into the territory of another Partner State on production of valid travel documents and shall be subject to such statutory provisions on tax as apply to members of the Armed Forces of the host Partner State.
5. The Partner States shall regulate the of their Armed Forces during visits in each other's territory in accordance with the Status of Forces agreement hereto attached as Annex 'A'.

***Article 17: Mutual Defence Pact***

The Partner States undertake to negotiate and conclude a Mutual Defence Pact within one year upon entry into force of this Protocol.

***Article 18: Implementation***

1. The Partner States undertake to ensure that necessary domestic regulatory or administrative measures are initiated in their respective territories to facilitate the implementation of the provisions of this Protocol.
2. The Partner States shall establish, maintain and review the strategy and plan of action for the implementation of the Protocol.

***Article 19: Financial Arrangements***

1. The Partner States agree to share expenses arising from all joint training, operational and technical co-operation as shall be mutually agreed.
2. The costs of training of personnel at each of the Partner States training institutions shall be agreed upon separately and paid for accordingly.



***Article 20: Confidentiality***

1. The Partner States agree not to disclose any classified information obtained under the operation of this Protocol other than to members of their own staff to whom such disclosure is essential for purposes of giving effect to this Protocol.
2. The Partner States shall ensure that such staff shall at all times maintain strict secrecy.
3. The Partner States shall not use any classified information obtained during any multilateral co-operation among them to the detriment of any of them.

***Article 21: Dispute Settlement***

1. In the event of a dispute between two or more Partner States concerning the interpretation or application of this Protocol, the Partner States concerned shall seek the settlement of the dispute through negotiations and other alternate dispute resolution mechanisms.
2. If the Partner States concerned do not reach agreement as provided for in paragraph 1, the Partner States or the Secretary General may refer such dispute to the East African Court of Justice in accordance with Articles 28 and 29 of the Treaty.
3. The decision of the East African Court of Justice on any dispute referred to it shall be final.

***Article 22: Amendment***

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

***Article 23: Annexes***

1. Annexes to this Protocol shall form an integral part of it.
2. The Partner States agree to conclude such other annexes on other areas of cooperation in defence affairs covered under this Protocol as they may deem fit and necessary.

***Article 24: Relationship between this Protocol and Other Protocols under the Treaty***

1. This Protocol takes cognisance of the existence of other Protocols on other areas of co-operation that affect co-operation in defence affairs within the Community.
2. The Partner States shall consult and co-operate on other Protocols with a view to ensuring the achievement of the objectives of this Protocol and avoiding any interference with the achievement of the objectives and principles of those instruments or any inconsistency

between the implementation of those instruments and this Protocol.

***Article 25: Relationship between this Protocol and Other Regional and International Arrangements***

The provisions of this Protocol shall not affect the rights and obligations of any Partner State deriving from any existing regional and international arrangements except where the exercise of those rights and obligations would be detrimental to the realization of the objectives of this Protocol.

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**Annex 'A'**

**Status of Forces Agreement Between the Partner States of East African Community**

The Partner States have reached the following understanding relating to the status of the armed forces during the operation in military training visits and other related matters authorized by the protocol.

**Areas of co-operation**

1. The Partner State agree to inter alia cooperate in the following areas:
  - (a) military training
  - (b) joint operations
  - (c) technical co-operation
  - (d) visits and exchange of information

**Access and movement**

- 2.(a) Members of visiting armed forces on official visits shall be granted freedom of entry into and exist from the territory of the host Partner State upon production of an official service identification card and valid travel document.
- (b) Competent authorities of the armed force will ensure that particulars of personnel and equipment entering or exiting are provided in advance to appropriate host Partner State authorities for ease of administrative clearance,
- (c) Members of visiting armed forces may use other military airfield, seaport and land-base facilities for visits, training, exercise, refuelling, navigation and for other acceptable military purposes.
- (d) Members of the visiting forces of the armed forces of Partner State will access each other's military facilities in accordance with such procedure as will be agreed;

- (e) The Partner States shall exempt from compulsory insurance, registration licensing, testing or payment of levies, fees, charges and tolls to visiting vessels, vehicles and aircraft which belong to the armed forces of any of the Partner States.
- (f) The host Partner State shall ensure physical security of the members of the visiting Armed forces and their equipment.

### **Uniforms and Arms**

- 3. Members of the armed forces on official visits or training assignments may wear their respective service uniforms and insignia. They may possess and carry arms when authorized to do so by their competent authorities after consultation with and subject to any restriction and direction on security and such related matters imposed by the host Partner State acting through its competent authorities.

### **Costs**

- 4. The costs of visits for purpose of this Agreement will be borne by the sending States or as may be otherwise agreed by the Partner States.

### **Protection of Laws**

- 5. While on training, visits or other recognized military duties in the host Partner States, Armed Forces personnel will be entitled to the protection of the law of state.

### **Jurisdiction and enforcement of the law**

- 6. In addition to the provisions on general protection of the law stipulated in the foregoing clause the following provisions will apply:
  - (a) Armed Forces in charge of visiting member of a force may exercise in the host Partner State disciplinary jurisdiction conferred on them by the law of the sending Partner States of a member of its force.
  - (b) The courts of law of the host Partner State may exercise jurisdiction over members of visiting Armed Forces with respect to offences committed in its territory and punishable under its law.
- 7. In cases where the right to exercise jurisdiction is concurrent, the visiting Armed Forces will have the primary right to exercise jurisdiction if:
  - (a) the offence is against the property or security of the visiting Forces State or against the property or person of another member of that forces; or
  - (b) the offence arises out of an act or omission in the course of official duty and the host Partner State confirms that there is no overriding public interest in the trial of the offence by its courts.
- 8. In any other case the courts of the host Partner State will have primary right to exercise jurisdiction with respect to offences committed in that state and punishable under its law. Where a trial in respect of

such offence takes place the accused will be entitled to all basic right of a fair and speedy due process of the law.

9. The host Partner State and the visiting Armed Forces will assist each other in the arrest of offenders for the purpose of handing them over under the provisions of clause 6 of this Agreement. They will in addition assist each other in the investigation and obtaining of evidence in relation to offences committed by members of a visiting force in the host Partner State.

### **Claims and Liabilities**

10. Each Partner State undertakes to waive any claim it may have against the other Partner State, or any officer, serviceman, servicewoman, servant or agent of the other Partner State for injury (including injury resulting in death) suffered by its service personnel, servants and gents or for damage to or loss of property owned by the Partner State if such injury, death, damage or losses is caused by the acts or omissions of the other Partner State or any officer, serviceman, servicewoman, servant or agent of that Partner State whilst in the performance of official duties in connection with the Protocol.
  - 11.(a) The Host Partner State will deal with and settle in accordance with its law, all third-party claims arising out of activities involving members of Visiting Armed Forces except those of a contractual nature.
  - (b) Where any such claim arises due to an act or omission of the Visiting Armed Forces or any of its personnel which results in injury, death, loss or damage done in performance of official duties related to this Agreement, the Host Partner State will subsequently charge 50% of the cost of the settlement to the Visiting Armed Forces. For the purposes of this clause cost shall include all sums of money incurred by the Host State in settling the claim.
  12. With regard to claims arising out of tortious acts or omissions occasioned outside the course of official duties in connection with this Agreement, the host Partner State will consider the claim in a fair and just manner taking into account all the circumstances of the case the laws and practice prevailing in its territory and will submit a report to the Visiting Armed Forces Partner States for consideration and payment of compensation. If the offer of such compensation in full satisfaction of the claim is made and accepted, the Partner State of the visiting Armed Forces will, through the host Partner State, make the payment.
- Nothing in this clause will affect the jurisdiction of the courts of any of the Partner States to entertain claims against Governments, their service personnel, servants or agents for both contractual and tortious claims unless there has been payment in full satisfaction of

the claim.

### **Taxation**

13. Members of the visiting Armed Forces will be exempted from income tax and any other form of direction levied under the laws of the host Partner State on their pay, allowances and other emoluments and benefits paid to them as such members. Remittances of such official and personal funds between a host and any Visiting Armed Forces of a Partner State will be freely permitted.

### **Imports and Exports**

14. Each Partner State will allow Armed Forces personnel on visits exceeding three months to import into the host Partner States free of duty their personal equipment and material as well as household effects and any furniture and one private motor vehicle for their personal use. Such goods imported free of duty may be re-exported freely and without payment of duty. Any disposal of these goods in the host Partner State by sale or otherwise will be subjected to the payment of duty in accordance with the law applicable.

### **Driving Licences**

15. The Partner State will accept as valid current driving license, international driving license or service driving permits issued by each respective Partner State to members of its Armed Forces.

### **Health Facilities**

16. The visiting armed forces' Partner State will be responsible for the cost of medical, optical, dental and hospital treatment for members of its Visiting Armed Forces and for arranging evacuation in the event that suitable medical treatment is not available. The host Partner State will, however, provide treatment for minor complaints at military medical reception centers free of charge.

### **Dispute Settlement**

- 17.(a) Any dispute regarding the interpretation or application of this Agreement will be resolved through consultation among the Partner States.
- (b) If the Partner States concerned do not reach agreement as provided for in paragraph 1, either Partner State or the Secretary General may refer such dispute to the East African Court of Justice in accordance with Article 28 and 29 of the Treaty.
- (c) The decision of East African Court of Justice or any dispute referred to it shall be final.

### **Amendment**

18. The Partner States may at any time review and amend any of the provisions of this Agreement upon the request of any of them.
19. Any amendment of this agreement under the provisions of the preceding subparagraph will take effect upon the signature of addendum to this Agreement incorporating such amendment.

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### **The East African Community Conflict Management Act (2012)**

Full title: The East African Community Conflict Management Act, 2012

Date/place of adoption/conclusion: 29 May 2012

Available online at: <https://bit.ly/3eaNCHp>

\* Adopted by the East African Community Legislative Assembly.

### ***Excerpts***

An Act to make provision for an East African Community conflict prevention, management and resolution mechanism and to provide for other related matters

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

1. This Act may be cited as The East African Community Conflict Management Act, 2012 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.
2. In this Act unless the context otherwise requires:  
 'Assembly' means the East African Legislative Assembly established by Article 9 of the Treaty;  
 'Community' means the East African Community established by Article 2 of the Treaty;  
 'conflict' means a disagreement through which the parties involved perceive a threat to their needs, interests or concerns;  
 'conflict prevention' means the effort made to prevent the escalation of a dispute into violent conflict;  
 'conflict resolution' means a wide range of methods of addressing sources of conflict and of finding means of resolving or containing it in less destructive form;

‘Council’ means the Council of Ministers of the Community established by article 9 of the Treaty;

‘Directorate’ means the Directorate established under section 10;

‘Director’ means the Director appointed under section 10;

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

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

...

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

‘preventive diplomacy’ means diplomatic efforts or actions taken to ensure timely intervention to avoid conflict in the Community;

3.(1) The main objective of this Act is to promote conflict prevention and peaceful resolution of conflicts that might arise in the Community.

(2) The specific objectives of this Act are to –

- (a) prevent internal, cross border and regional conflicts affecting the Partner States;
- (b) bring together the conflicting parties for mediation;
- (c) encourage the parties to a conflict to resolve the conflict amicably;
- (d) encourage cooperation among the Partner States in conflict management; and
- (e) co-ordinate post conflict management.

4.(1) There is established a Panel known as the East African Community Panel of Eminent Persons.

(2) The Panel shall be responsible for prevention, management and resolution of conflicts in the Community.

(3) The Panel shall be responsible to the Secretary General.

5. The functions of the Panel are to:

- (a) identify potential sources of conflict;
- (b) propose pre-emptive responses to address conflict situations;
- (c) undertake mediation and negotiation to forestall and diffuse conflicts;
- (d) propose modalities for intervention and stabilisation of conflict situations;
- (e) cause the operationalisation of the conflict early warning and response mechanism of the Community;
- (f) cause the facilitation of and support the negotiation and mediation capacity of the Community;
- (g) enhance conflict resolution capabilities in relation to regional

- tensions in the Community;
  - (h) develop capacities at the Secretariat and in the Partner States to anticipate and mitigate conflicts;
  - (i) sensitise the people of East Africa on the East African Community conflict prevention, management and resolution mechanism; and
  - (j) facilitate the Partner States in resolving internal conflicts utilising the mechanism under this Act.
- 6(1) The Panel shall consist of one eminent person from each Partner State, appointed by the Summit upon recommendation of the Council.
- (2) The Summit shall, within ninety days upon the coming into force of this Act appoint the first members of the Panel.
- (3) Members of the Panel shall hold office for a period of three years and shall be eligible for re-appointment once.
- ...

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### Protocol on Peace and Security (2013)

Full title: EAC Protocol on Peace and Security

Date/place of adoption/conclusion: 15 February 2013, Dar es Salaam, Tanzania

EIF provision: Article 20

Available online at: <https://bit.ly/2ZdrTui>

#### *Excerpts*

#### **Preamble**

**Whereas** the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda signed the Treaty Establishing the East African Community on the 30th day of November 1999;

**And whereas** the Republic of Burundi and the Republic of Rwanda acceded to the accession Treaty on the 1st day of July 2007;

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

**And whereas** under Article 124 of the Treaty the Partner States agreed 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;

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

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

**Now therefore** the Partner States;

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

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

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

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

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

**Agree** as follows:

### *Article 1: Interpretation*

In this Protocol, except where the context otherwise requires-

**‘combined operations’** means any operation carried out by the forces of the Partner States under one command;

**‘Community’** means the East African Community established by Article 2 of the Treaty;

**‘Council’** means the Council of Ministers of the Community provided for under Article 9 of the Treaty;

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

**‘cross border crime’** means a crime committed across Partner States

which share a common border;

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

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

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

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

**‘joint operations’** means operations, which involve multi-Sectoral agencies of the Partner States engaged in peace support operations, disaster management, search and rescue, counter-terrorism, transnational and cross border crimes and any other operations which may be mutually determined by the Partner States;

**‘terrorism’** means:

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

**‘transnational crime’** means a crime committed across the border of Partner States which do not share a common border.

## *Article 2: Scope of Cooperation*

1. The Partner States shall cooperate in peace and security matters and

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

### ***Article 3: Objectives***

1. The objective of this Protocol is to promote peace, security, and stability within the Community and good neighbourliness among the Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to:
  - (a) protect the people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra-and inter-state conflicts and aggression;
  - (b) co-ordinate and co-operate in matters related to peace and security in the Community;
  - (c) prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
  - (d) observe and encourage the implementation of the United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between Partner States;
  - (e) develop peacekeeping capacity and co-ordinate the participation of Partner States in international and regional peace support operations;
  - (f) enhance the capacity of the Community with respect to disaster management and co-ordination of international humanitarian

- assistance;
- (g) enhance the capacity of the Partner States in the management of refugees;
- (h) enhance the capacity of the Partner States in combating terrorism and piracy;
- (i) cooperate in exchange of prisoners, detention, custody and rehabilitation of offenders; and
- (j) implement the East African Community Strategy on Regional Peace and Security.

#### ***Article 4: Conflict Prevention, Management and Resolution***

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

#### ***Article 5: Prevention of Genocide***

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

#### ***Article 6: Combatting Terrorism***

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

#### ***Article 7: Combatting and Suppressing Piracy***

1. The Partner States agree to cooperate in combating piracy in the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
  - (a) jointly formulate mechanisms for the operationalisation of anti-

- piracy measures; and
- (b) jointly formulate mechanisms to fight piracy;
- (c) jointly develop strategies on how to fight and suppress piracy; and
- (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

### ***Article 8: Peace Support Operations***

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

### ***Article 9: Disaster Risk Reduction, Management and Crisis Response***

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

### ***Article 10: Management of Refugees***

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

### ***Article 11: Control of Proliferation of Illicit Small Arms and Light Weapons***

The Partner States undertake to jointly develop policies, measures, mechanisms, strategies and programmes, to control the proliferation of

illicit small arms and light weapons.

***Article 12: Combating Transnational and Cross Border Crimes***

1. The Partner States shall undertake joint operations in controlling and preventing transnational and cross-border crimes including:
  - (a) the theft of motor vehicles;
  - (b) the smuggling of goods;
  - (c) illicit drug trafficking;
  - (d) human trafficking;
  - (e) illegal migration;
  - (f) trade in counterfeit goods;
  - (g) intellectual property piracy; and
  - (h) any other transnational and cross – border crimes.
2. For purposes of paragraph 1, the Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat cross-border crimes including:
  - (a) the establishment of regional databases on cross-border crimes;
  - (b) the enhancement of technical capacity for criminal intelligence;
  - (c) the enhancement of the exchange of criminal intelligence and other security information between the Partner States central criminal intelligence information centres;
  - (d) the strengthening of cross border security;
  - (e) the training of personnel and sharing information on the modus operandi being used by criminals;
  - (f) the enactment of laws on mutual legal assistance in criminal matters; and
  - (g) the establishment of cross border and inter state communication.

***Article 13: Preventing and Combating Cattle Rustling***

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

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

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

3. The Partner States agree to harmonise their training programmes and practices in relation to the management of penal and rehabilitation institutions.

***Article 15: Institutional Arrangements***

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

***Article 16: Relationship with Regional and International Organisations***

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

***Article 17: Confidentiality of Information***

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

...

### 3 Declarations, frameworks and policies

#### **Regional Strategy Against Piracy and for Maritime Security in the ESA-IO (2010)**

Full title: Regional Strategy Against Piracy and for Maritime Security in Eastern and Southern Africa and the Indian Ocean (ESA-IO)

Date/place of adoption/conclusion: 7 October 2010, Grand Bay, Mauritius

Available online at: <https://bit.ly/320IBPi>

\* Adopted by the Second Regional Ministerial Conference, 7 October 2010, Grand Bay, Mauritius (See also the relevant documents pertaining to the ESA-IO under the Indian Ocean Commission in chapter 10).

#### **1. Context**

For some years the States of the Eastern and Southern Africa, including the West Indian Ocean and its island States, have been increasingly subject to security challenges linked to piracy, maritime insecurity and organised crime. This is the subject of increasing concern in the region from a political, social and economic perspective, especially in the economically vulnerable small island states.

The Regional Strategy has been prepared following the decision of the 1st Regional Ministerial Meeting, held on the 21 May 2010, taking into consideration the following:

- Impact of Piracy in the ESA-IO region;
- The conclusions of the International Symposium and regional workshop held in July 2010 in Seychelles to assess needs as the basis for a regional framework for coordinated action within a comprehensive approach against piracy and for maritime security;
- The conclusions of the AU Summit in Kampala in July 2010;
- The last COMESA Summit, August 2010 approval of the Regional Action Plan against piracy as developed at the Seychelles workshop in July 2010;
- ESA-IO Regional Policies;
- Existing initiatives and actions for counter-piracy and maritime security; and
- The commitment of the EU and international partners to combat piracy in the region.

Details regarding the above are provided in Annex.

The above initiatives, though important and significant, have not been sufficient to contain piracy in the region as they are not accompanied by necessary capacity building activities in the ESA-IO region to ensure their



effective use and implementation.

## 2. Strategic Framework

The objective of the Regional Strategy is to provide the ESA-IO Regional Organisations and Member States with a comprehensive framework for capacity building and an effective Regional Plan of Action to address piracy and maritime security in the immediate, short, medium and long-term.

To achieve this objective the strategy includes the promotion of intra-African and international partnerships and regional cooperation, the protection of sovereignty, countering criminality across regional waterways and associated infrastructure, and ensuring environmental governance.

This ESA-IO Regional Strategy is consistent with and complementary to the existing international and regional maritime policies and specifically, it supports the AU African Maritime Transport Charter Plan of Action and Durban Declaration on Maritime Safety and Security adopted by the Heads of State and Government in October, 2009. The RS and RPA are in line with the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden from January 2009.

Additionally, they are linked with the efforts of the UN Security Council and the mandated Contact Group against Piracy off the Coast of Somalia (CGPCS) to address cooperation, coordination and exchange between stakeholders along with resource mobilization, human resources development, action against money laundering, and development of harmonized legislation, procedures and instruments for dealing with piracy.

The RPA will have immediate, short, medium and long term action to fight piracy and improve maritime security in the region and to establish and sustain conditions in the maritime domain to improve the political, social and economic conditions of the region. This Regional Strategy will be implemented in a 4-phase action plan. The time frame is defined as follows:

1. immediate term: 0 – 1 years
2. short-term: 2 – 5 years
3. medium-term: 6 – 10 years
4. long-term: 11 – 15 years

The RS will be based on the principle of complementarity of national and regional action and effective and fair burden sharing in the region. The RS should provide a framework for cooperation among countries, e.g. on hot pursuit in the territorial waters of another country. The RS will demonstrate to the population of the region that a joint effort is being undertaken by the countries of the region and the regional organisations.

It is important to ensure that all the ESA-IO Member States are involved

in the implementation of this RS. The countries which engage should be provided with appropriate technical and financial support.

### 3. Specific Priority Strategies

The long term solution to many of these maritime security and piracy challenges resides in the reconstitution and the strengthening of State institutions, reconstruction and restoration of the rule of law in Somalia. Tackling the root factors of piracy requires collective, comprehensive action, and persistent advocacy for action.

The need for coordinated, multi-sectoral approach has been strongly endorsed by all stakeholders from numerous consultations on the matter. Applying it will require reinforced cooperation and effective coordination of all maritime-related policies at the different decision-making levels. Actions undertaken will be, to the extent possible, complementary to existing initiatives.

Priority strategies are:

1. Develop, agree and implement a Somalia Inland Action Plan to counter and prevent piracy and in support of the on-going coordination agreements of the TFG, Puntland and Somaliland governments ('Kampala process').
2. This Plan will have three planks: (i) promoting inter-Somali dialogue, (ii) reconstruction of key Somali Institutions (an immediate priority is prison capacity in Somalia to allow convicted Somali pirates to be returned home to serve their sentences), (iii) dialogue with International Community and partners.
3. Encourage countries in the region to undertake prosecution with the financial and technical support of the international community. In order to achieve this a fivepronged approach will be undertaken;
  - (i) develop/harmonize legal framework/s to adequately deal with piracy, illegal, unreported and unregulated fishing, (IUU fishing) and dumping of toxic wastes, arms and drugs trafficking, human trafficking, oil bunkering, armed robbery at sea, and related maritime offences, as well as to combat money laundering and illicit financing activities;
  - (ii) strengthen criminal Justice Systems in these States of the region to develop where necessary the capacity for capture, arrest, detention, investigation, prosecution and imprisonment of convicted pirates; and
  - (iii) strengthen the capacity of the States and its institutions and all the stakeholders to address crimes related to piracy;
  - (iv) make arrangements for the transfer of convicted pirates and the repatriation of unconvicted pirates to the country of origin or any other country;
  - (v) develop prison capacity in the prosecuting countries pending the transfer of convicted pirates to serve the remainder of the sentence to country of origin, subject to the country having the capacity to

hold the convicted prisoners until the end of their sentences in line with the applicable international human rights standards.

4. Strengthen capacities of all the States in the region to secure their maritime zones of responsibility and adjacent international waters for all seafarers and for the effective pursuit of a viable Maritime Transport sector. There is a need to (i) develop deep water patrol capacity, (ii) address gaps in maritime regulation and to ensure that activities of security forces cooperate and operate in a coordinated way under a transparent maritime regulatory framework; and, ESA-IO ROs in coordination with the AU need to exploit the on-going initiative on maritime education and training with a greater focus on the growing risks of piracy and terrorism.

#### **4. Implementation, Coordination and M&E Framework**

The RPA will be implemented jointly by IGAD (for Inland Somali Action), COMESA, EAC and IOC and the ESA-IO Member States based on the principle of complementarity and subsidiarity.

A Network of Contact Points on Piracy (NCPPI) of the RECs and ESA-IO countries will be set up in order to ensure effective coordination and implementation of the RS and RAP.

Though each of the RECs and their member States will report on progress on the implementation of the RS and RPA within its own Policy Organs, it is important to have a platform to oversee and validate the overall direction and re-orientation of the RS and RPA. The ESA-IO configuration which includes Member States and RECs will be used for the timely and effective implementation of the RS and RAP.

The IRCC shall serve as the secretariat of the platform. This will take the form of an annual ESA-IO Regional Ministerial Meeting against Piracy (ERMMP) and will also include participation from key stakeholders such as the AU, the UN, and the IMO, the CGPCS, the PMAESA, INTERPOL, EUNAVFOR and a representative of the IRCC Secretariat. Representatives of other relevant partners and key actors may be invited as observers. This platform will also be used as a permanent coordinating mechanism, for monitoring and assessment of progress and evaluate the effects of the RS and RPA.

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## **Annex**

### **Background**

#### **Impact of Piracy in the ESA-IO region**

The IMO reported in 2009 that the ESA-IO region has become the most pirate infested waters in the world. Somalia pirates have been attacking vessels in the marine areas of Kenya, Tanzania, Seychelles, and Madagascar and further off into the Indian Ocean.

Piracy is the practice of attacking and robbing ships at sea, sometimes demanding ransom for the ship, its content and the crew and sometimes involving total loss. An insecure marine area adversely affects trade, food security, income from exploitation of fisheries, other marine resources and tourism. It is reported that tourism revenues in the Seychelles alone have declined 30% over the past few years affected by piracy, security threats and damage.

Piracy undermines the security of the region and its ports and their continued development as a commercial hub in the global economy. Trade costs and insurance have increased; cruise ships are avoiding the regional ports, some shipping companies are now avoiding the region using longer routes to gain access to European and Mediterranean markets. 90 per cent of ESA-IO regional trade by volume went by sea in 2008. Additionally, lack of effective maritime security increases the risks of smuggling of people, weapons, drugs and terrorism.

Lack of maritime security adds to high transport costs in the region and undermines the regional integration processes. Efficient and secure port facilities are a vital maritime element for an integrated transport network embracing road, rail and air services. Piracy weakens the integration of the region's commercial infrastructure, reducing the competitive advantage of its wealth of natural resources. Piracy increases not only the cost of commerce, but undermines economic and social development in the region.

The ESA-IO coastline and marine area are too extensive to be permanently patrolled individually by countries. At present the region itself does not have sustained deepwater maritime surveillance and relies heavily on outside forces to protect maritime commerce and shipping. As a result much of this area is in effect, ungoverned and vulnerable to piracy, smuggling, terrorism and unlicensed and illegal fishing.

Piracy in the Indian Ocean is not new. Its long history shows that for states to take effective action they must defend their shipping, apprehend and prosecute the perpetrators of each crime and also attend to the underlying causes of the crime itself. Urgent effective action is essential in the interests of all states in the region and their trading partners. This requires effective policing on land, efficient and secure port facilities,

safety of passage, and probity of customs personnel.

**Conclusions of the 1st Regional Ministerial Meeting, the International Symposium and Regional Workshop, May- July 2010**

Seychelles, one of the most severely hit countries, initiated a first Regional Ministerial Meeting, held on the 21 May 2010, which resulted in a Joint Communiqué with the following conclusions:

- Piracy in the Indian Ocean has again become a menace affecting international trade, security, the region's economy and, social development. Piracy is today an international problem which requires a comprehensive, multilateral solution with an integrated short, medium and long-term strategy;
  - \* In the short term, continuing deterring and capturing pirates remains a priority, with a crucial role for the EU-NAVFOR Atlanta Operation but additional requirements for improvements in policing on land and in the legal, judicial and penal systems in the region;
  - \* In the medium term, there is a need to strengthen the capacities of all the states in the region to secure their maritime zones of responsibility and international waters for all sea-farers and to prosecute and imprison pirates;
  - \* For the long term a comprehensive approach must address the underlying causes of maritime insecurity, including piracy as well as embed the fight against piracy in a regional Maritime Safety and Security Strategy in line with continental efforts by the African Union.
  - \* The partners agreed to enhance their domestic action plans and formulate a more comprehensive, coherent and sustainable regional maritime security strategy, including against piracy to be agreed at a further early ministerial level conference.

Further to the Regional Ministerial Meeting, in May 2010, an International Symposium and a regional workshop were held to assess needs. These meetings concluded on the need for a regional framework for coordinated action within a comprehensive approach to maritime security. The Regional Workshop on Piracy which took place on 12-13 July 2010 in Seychelles concluded on the need to stabilize the situation in Somalia to eradicate piracy in the region;

To establish a more coordinated approach to international cooperation to catch pirates and to penalize those who gain from piracy and those who finance it; to establish a regional ESA-IO strategy and related programme for short, medium and long term action against maritime piracy in the region; and accepting that the TFG is the internationally recognized authority in Somalia, it should be supported to conduct delineation of its EEZ so as to prevent illegal fishing and the dumping of hazardous and toxic waste.

### **The conclusions of the AU Summit in Kampala in July 2010**

The AU Summit in Kampala in July 2010 reiterated its deep concern over the spread of maritime piracy and called on the AUC to further elaborate a continental strategy on the basis of the recommendations of the recent workshop on Maritime Security and Safety held in Addis. It stressed the importance of adequate protection of the African maritime domain against organized crime, as well as illegal fishing and dumping of toxic waste. Finally, the Summit called for the convening, within the framework of the UN, of a conference to develop an international convention on Piracy.

This strategic proposal, which builds on the recommendations emerging from these consultations and on existing regional international commitments, is aimed at providing a framework for effective action in support of maritime security and against piracy in the ESA-IO region.

### **ESA-IO Regional Policies**

The African Union and the ESA-IO Regional Organisations have piracy high on their agenda. The outcome of the consultation within the IRCC sets the scene for a comprehensive Regional Strategy and immediate, medium and long term Regional Action Plan against piracy and maritime security. The Regional Organisations of the Eastern and Southern and Indian Ocean region within the Inter-Regional Coordinating Committee (IRCC), participated actively in the consultations to develop a regional Strategy and Action Plan against maritime piracy and its adverse economic impact in the region.

African Union and ESA-IO Regional Organisations have piracy high in their agenda. The outcome of the consultation within the IRCC sets the scene for a comprehensive Regional Strategy and immediate, medium and long term Regional Action Plan against piracy and maritime security. These resolutions, policies and provisions include the following:

- **AU Summit.** The AU Heads of State adopted the Maritime Transport Charter together with an Action Plan in January 2010. Now, the issue is to see its implementation; more action specifically related to:
  - \* establishment and support of maritime and ports' authorities;
  - \* establishment and support of shippers' councils and national and regional shipping lines;
  - \* increased interaction among Regional Economic Communities (RECs) and specialised organisations;
  - \* promotion of cooperation in training, seafarer education, international maritime standards, capacity building and exchange of best practices;
  - \* implementation of the UN Convention of the Law on the Sea (UNCLOS) and updating of maritime legislation to make it compatible with the promotion of safe and secure shipping;
  - \* Encouragement of private initiatives in maritime security

investment.

- **COMESA Summit.** In June 2009, the 13th Summit of COMESA registered its deep concern on the rising incidence of piracy off the Coast of Somalia and the Mozambican Channel that has a significant negative impact on the economies of COMESA Member States and constitutes a threat to peace and security in the region, adding a new dimension to the vulnerability of States in the region, adversely affecting the main economic sectors such as trade, tourism and fisheries. COMESA condemned these acts of piracy in the strongest terms. The Summit called upon the international community to adopt a coordinated approach to tackling the issue of Piracy through the United Nations. In addition, at the last COMESA Summit in August 2010, COMESA endorsed the Regional Action Plan against piracy developed at the Seychelles workshop in July 2010 and set out a five point plan as follows:
  1. The formulation of a sound maritime policy and the implementation of a comprehensive strategy at the regional level, with the involvement of the African Union and Regional Groupings;
  2. The enactment of appropriate laws at the national level to fight piracy effectively;
  3. The continuing support for capacity building institutions and agencies and appropriate facilities at the national level for the prosecution of and imprisonment as appropriate of pirates;
  4. The effective coordination and collaboration by states at the regional levels; and,
  5. Efficient collaboration with the international community.
- **IGAD Council.** The IGAD Council denounced piracy along the coast of Somalia during its 14th Extraordinary Summit held in Nairobi on 29th October 2008 and on 30th June 2009 in Sirte during the AU Summit. The Summit also acknowledged the UNSC resolutions 1815, 1816, and 1838 of 2008 that authorized the use of force to combat piracy and called upon states and international organizations to be active against piracy. The Council of Ministers convened a Ministerial Conference on 'Piracy in Somali waters' in December 2008. The Council also unanimously considered that the increasing piracy, along the coast of Somalia, is a symptom of overall economic, political, security, and social problems affecting Somalia in the last 19 years and that a sustainable solution can only be achieved through addressing the root causes, in particular by establishing institutions for the better governance and protection of the people of Somalia. Member states also committed themselves to enact enabling legislation to combat piracy. The IGAD Capacity Building Programme against Terrorism (ICPAT) commissioned a study and presented a report on the fight against piracy along the coast of Somalia.
- **IOC Council.** The IOC adopted a resolution against piracy and



maritime security at its 25th Council in April 2009, in Comoros, and high level meeting followed in July 2009 and set out recommendations for the exchange of information and closer partnership with UNODC and among Member States to reinforce cooperation on security and justice.

- **EAC Ministers of transport** expressed strong commitment to fight piracy early in 2010.
- **IRCC.** The Interregional Coordinating Committee regrouping the Regional Organisations of the ESA-IO region (COMESA, EAC, IGAD, IOC and SADC) and AU, ACP and the EU) agreed to take forward a concerted process. The 19th IRCC meeting endorsed an IOC proposal for a concerted regional effort in order to counter the piracy/ maritime security issues. The EC as an IRCC member circulated a Reflection Paper providing the main elements of a regional action on the basis of following challenges, to:
  - \* Establish a closer interregional collaboration and increase regional ownership in the fight against piracy;
  - \* Develop elements of attractiveness for the beneficiary countries;
  - \* Address the issue of 'burden-sharing' amongst countries prosecuting and imprisoning suspect pirates;
  - \* Counterweight ATALANTA Naval Operation with an 'onshore' response;
  - \* Ensure long-term sustainability of current efforts.

The Regional Organisations of the Eastern and Southern and Indian Ocean region within the Inter-Regional Coordinating Committee (IRCC), participated actively in the consultations to develop a regional Strategy and Action Plan against piracy and for maritime security maritime piracy and its adverse economic impact in the region.

### **Existing initiatives and actions for counter-piracy and maritime security in ESAIO region**

The political, economic and social challenges of maritime insecurity, including piracy, in the region have been recognised by all major regional organisations as shown in the previous section, including the Ports Management Authority of Eastern and Southern Africa (PMAESA) and the new Djibouti Code of Conduct under the International Maritime Organisation (IMO). This has already led to a series of separate concrete proposals to build the capacity in the region, including the Djibouti training centre and the Yemen information centre.

Other initiatives against piracy include the AU African Maritime Transport Charter and Plan of Action, the AU Durban Declaration on Maritime Safety and Security, the Djibouti Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden, January 2009, the EU lead Naval Force (EUNAVFOR) Operation ATALANTA, the IMO Guidance



to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships, and UN Security Council mandated Contact Group against Piracy off the Coast of Somalia. Other relevant UN/IMO Conventions which provide a context for this action include:

- United Nations Convention on Law of the Sea (UNCLOS), December 1982. This convention, largely the codification of customary international law, which gives a clear and universally accepted definition of the offence of piracy and states' jurisdiction to deal with it.
- Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), March 1988
- International Ship and Port Facility Security Code (ISPS), 2004.

However, these instruments are not accompanied by necessary capacity building activities in the ESA-IO region to ensure their effective use and implementation.

### **International responses**

The International Community has supported and continues to promote international alliance building and law development against piracy, in particular under the auspices of the United Nations. Initiated by Seychelles, an International Symposium was organised in July 2010.

NATO, UNODC, IMO are also very much involved in the fight against piracy. Major countries such as Russia, India, China, and Japan having active naval military capacity are also operating against pirates in the region.

The EU remains strongly committed to countries in the region, with the other international partners to enhance maritime security and to combat piracy. The EU is a leader in its effort to combat piracy by providing maritime protection. It has undertaken initiatives in the area of maritime security in the Eastern and Southern Africa and Indian Ocean.

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### **Strategy on Regional Peace and Security (2014)**

Full title: EAC Strategy on Regional Peace and Security

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*Excerpts***1. Introduction**

Article 124 of The Treaty for the Establishment of the East African Community, recognises that peace and security are pre-requisites for Social and Economic development within the Community and vital to the achievements to the objectives of the Community. The article spells out wide-ranging approaches for implementation in order to have a stable and secure environment within the region. This kind of environment is geared towards promoting development and harmonious living of the people of East Africa.

This strategy goes a long way in enhancing the East African Community spirit of cooperation in regional peace and security, which brings into reality the collective responsibility in provision of security by the Partner States. It covers collaboration on combating cross border crimes, auto theft, drug trafficking, terrorism, money laundering and other crimes. This will provide a good and conducive environment in which peace will flourish security of persons and property guaranteed hence fostering development.

The East African Community Strategy on Regional Peace and Security has a Vision 'A SECURE AND PEACEFUL ENVIRONMENT FOR DEVELOPMENT' and the Mission, for which this co-operation exists, is 'TO PROVIDE SECURITY WITHIN THE REGION THROUGH ENHANCED CO-OPERATION'. In order to achieve the stated mission and realise the vision, there are Twenty Three goals formulated with a number of strategic objectives geared at fulfilling the goals.

Vision: A secure and peaceful environment for development.

Mission: To provide security within the region through enhanced cooperation

**2. Goals for Regional Peace and Security**

There are Twenty Three (23) goals, which the regional strategy aims to achieve. Each, of these goals has a number of objectives and strategies for implementing them. These goals are:

- I. Enhance the exchange of criminal intelligence and other security information amongst partner states;
- II. Enhance joint operations and patrols;
- III. Install common communication facilities for border and interstate security;
- IV. Adopt the U.N model law on mutual assistance on criminal matters;
- V. Implement protocol on combating illicit drug trafficking;
- VI. Exchange visits by security authorities;
- VII. Exchange training programs for security personnel;
- VIII. Establish common mechanisms for the management of refugees;
- IX. Establish regional disaster management mechanisms;
- X. Formulate security measures to combat terrorism;
- XI. Establish measures to combat cattle rustling;

- XII. Establish measures to combat proliferation of illicit small arms and light weapons;
- XIII. Develop mechanisms to combat security challenges on EAC shared Inland waters;
- XIV. Develop a mechanism for Conflict Prevention Management and Resolution;
- XV. Develop a mechanism for Early Warning System;
- XVI. Enhance Cooperation within Prisons/Correctional Services in the Region;
- XVII. Prevention of Genocide;
- XVIII. Combat and Suppress Piracy for Maritime Safety and Security;
- XIX. Enhance measures to Detect, Prevent and Combat Cyber Crime;
- XX. Enhance measures to Combat Human Trafficking, Illegal migration and Smuggling of migrants in the East African Community Region;
- XXI. Enhance Co-operation in Combating Environmental Crimes;
- XXII. Strengthen Co-operation amongst Partner States on Anti Money Laundering and Counter Financing of Terrorism (AML/CFT) initiatives;
- XXIII. Prevent, Control and Eradicate Motor Vehicle (MV) Theft in East African Community Partner States.

### **3. Development of the Strategy for Regional Peace and Security**

The goals, objectives and strategies for the regional peace and security are stated in the proceeding sections. Each goal contains identified objectives, supported by background information and strategies for implementing the objective and the set goal.

### **4. Goal 1: Enhance the Exchange of Criminal Intelligence and Other Security Information Amongst Partner States**

#### **4.1 Objectives**

- (i) Establish databases by Partner States;
- (ii) Enhance technical capacity for production of criminal intelligence; and
- (iii) Exchange criminal intelligence/information among partner states.

#### **4.1.1. Establish Databases by Partner States**

##### **Background**

The collection and collation of criminal intelligence and information is an integrative process. The appropriate use and appreciation of existing information and intelligence may require the establishment of a multidisciplinary forum to take stock of existing intelligence and information. This is imperative because intelligence and information capable of being useful to one agency may be in the possession of another agency not capable of putting it to appropriate use. Inter-agency sharing may therefore remedy this shortcoming.

Establishment of a computer Network between the headquarters and other units throughout the Country would improve the management of Criminal intelligence. Establishing databases that are shared by Partner States would facilitate the exchange of criminal intelligence among these states. Databases that need to be established include Finger print, National ID, Driving Permit and Passport Management, motor vehicle theft, anti-money laundering. All the databases need to be linked or connected to facilitate tracking of criminals.

#### **4.1.1.1. Strategies**

- (i) Partner States jointly design the appropriate databases;
- (ii) Establish computer network to link all Police Units in the Partner States;
- (iii) Jointly train personnel to handle the daily operations of the databases at the levels of Databases Administrators, Programmers and Data entry clerks;
- (iv) Standardisation of crime data by the Partner States;
- (v) Resource mobilization for security projects; and
- (vi) Conduct border communities' security meetings.

#### **4.1.2. Enhance Technical Capacity for Production of Criminal Intelligence**

##### **Background**

A Crime Information System is the backbone of every professional Police Agency. A successful system allows for the collection of information, its evaluation and development till it reaches the stage where it becomes intelligence, which is of value to policing. To do this requires utmost care in the gathering and handling of such information. This finally allows Partner States to deploy Police more effectively in their efforts to combat crime.

Capacity for production of criminal intelligence is low due to inadequate funding and technical equipment. It is imperative that Partner States prioritise funding of criminal intelligence. Indeed, this area needs to be strengthened to avoid being caught unawares, in case of incidences such as terrorism among others.

#### **4.1.2.1. Strategies**

- (i) Strengthen gathering of information;
- (ii) Acquire surveillance equipment and facilities;
- (iii) Partner States to jointly train their manpower in analysis and handling of crime intelligence; and
- (iv) Employ appropriate crime management information system design, which is technically and operationally feasible.

### **4.1.3. Exchange Criminal Intelligence/Information among Partner States**

#### **Background**

For any operation to be successful it must be intelligence led. Local operations mounted by Police officers are largely successful due to optimal use of intelligence. Information on criminals is usually gathered and analysed to identify links between crimes, associations among criminals, individuals' roles in criminal activity and the relationship between crime and other factors such as unemployment etc, and then disseminated to the end users.

The end users are field officers carrying out operations or policy makers. The advantage here is that analysis is done using uniform structured methods and techniques easily understood by all analysts and can easily be demonstrated to everyone by visualisation. Exchange of information on criminals is of mutual interest among Partner States and should be encouraged, if joint operations are to succeed.

#### **4.1.3.1. Strategy**

Partner States to establish network connectivity

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## **6. Goal 3: Install, Common Communications Facilities for Border and Interstate Security**

### **6.1. Objective**

Establish a common communication system to enhance inter-state exchange of information to combat international organised crimes.

#### **Background**

During the Eastern Africa Police Chiefs Conference held in Nairobi Kenya from June 15th - 16th 1999, a resolution was passed to achieve the installation of common radio communication system at established border posts for quick flow of information and response in curbing crime along the common border. The three East African Chief Signals Officers meeting held in Nairobi in July 1999 that charted the best ways of implementing the resolution made.

Thereafter Burundi and Rwanda joined the Community and adopted the resolutions which were initially agreed by the three Partner States. A rapid and dedicated communication system between the police agencies of East Africa will remain a vital instrument in the fight against sophisticated cross-border criminality as well as other forms of international crime. Cross-border criminals use a variety of communication systems to pursue their criminal objectives. Of particular significance in this regard is the

exploitation of information and communication technology (ICT) by cross-border criminals as well as domestic criminals.

There is need to have consistent information flow between the Headquarters of the Partner States. This necessitates installation of an independent and common communication system in place.

#### **6.1.1. Strategies**

- (i) Identify and procure common interstate communication system;
- (ii) Link up the five Police Head Quarters by fax, email and Establish a website; and
- (iii) Conduct joint operations in hot pursuit of criminals.

### **7. Goal 4: Adopt U.N. Model Law on Mutual Assistance in Criminal Matters**

#### **7.1. Objective**

Enhance mutual legal assistance in criminal matters

#### **Background**

The UN Model Law on Mutual Assistance, which is in conformity with the UN Convention against Transnational Crimes (the Palermo Convention), is an important instrument in harnessing international cooperation among the world's law enforcement agencies, in the fight against transnational crimes. It provides for assistance in relation to evidence, the identification of witnesses and the forfeiture of property.

#### **7.1.1. Strategies**

- (i) Partner States to legislate on the U.N. Model Law on Mutual Assistance; and
- (ii) Enact EAC Law based on UN Model of mutual assistance on criminal matters.

### **8. Goal 5: Implement EAC Protocol on Combatting Illicit Drug Trafficking**

#### **8.1. Objective**

Eliminate illicit drug production and trafficking and related crimes in the region.

#### **Background**

The problem of drug trafficking has not only increased in the East African region, but also in the whole world at large. The role played by the East Africa Partner States in combating illicit drug trafficking is wanting and the region is used as a conduit to other destinations.

There have been a number of measures taken by the Partner States

aimed at combating this problem. On the international scene, the Partner States have partially complied with the requirements of the relevant International Conventions. The convention on Narcotic Drugs of 1961, which was amended by the 1972 protocol, the UN Convention on Psychotropic substances of 1971 and the UN Convention against Illicit Traffic in Narcotic drugs and psychotropic substances 1988, have been ratified by all the Partner States. On the national scene, each Partner State has established anti-narcotic department/units. There are a number of joint operations and meetings aimed at addressing the problem. The effective and sustainable implementation of the protocol on combating illicit drug trafficking may have to take into account the evolution of various mechanisms aimed at making illicit drug trade unprofitable. Such mechanisms may include reviewing of the Anti-money laundering strategies, asset forfeiture (criminal or civil forfeiture) where domestic legislation so allows and oversight mechanisms of the banking and money exchange industry.

#### **8.1.1. Strategy**

Partner States to implement the EAC Protocol on Combating Illicit Drug Trafficking legislation

### **9. Goal 6: Exchange of Visits by Security Authorities**

#### **9.1. Objective**

Confidence building and sharing of information amongst Partner States Security Officers

#### **Background**

Good partnership involves free exchange of ideas in order to enhance relationship and confidently deal with challenges for the mutual benefit of the parties. Regular exchange visits by security officers offers a platform for sharing ideas and experiences on matters of Regional peace and security. In this regard, sporting activities and cultural events further encourage integration and sharing challenges and experiences among all levels of security officers.

#### **9.1.1. Strategies**

- (i) Organize periodic and reciprocal visits for security officers; and
- (ii) Organise joint cultural and sports events once every two years for security officers.

## **10. Goal 7: Exchange of Training Programs for Security Personnel**

### **10.1. Objective**

Harmonize training syllabi and standard operating procedures

#### **Background**

Aware of the fact that Partner States have established training institutions offering similar training, there is need to harmonize the syllabi in order to benefit from each other. To improve standards and co-operation within the region, Partner States need to support each other in relation to training their staff. By improving training and exchanging experiences, the policing standards are improved and developed among the Partner States to enhance performance.

While considering the harmonization of the syllabi, it is imperative that security training institutions of the Partner States endeavour to achieve nationally and internationally recognized standards. Professional recognition may be attained through a process of accreditation of security training institutions by relevant institutions or bodies charged with such functions.

Once so accredited, not only do the programs offered by the training institutions become nationally and internationally recognized, but also the certificates or other forms of award gain professional status commensurate with those awarded by other national/international institutions of higher learning. The accreditation of security agency training institutions is now a common practice in a number of African countries as well as other parts of the world. Partner States could take advantage of this emerging trend and best practices.

#### **10.1.1. Strategies**

- (i) Harmonize Partner States training syllabi;
- (ii) Conduct specialist trainer exchange;
- (iii) Conduct study visits within the Partner States;
- (iv) Work out modalities to have Partner States security training institutions accredited by relevant national accreditation authorities;
- (v) Designate and operationalize various centres of excellence in Partner States; and
- (vi) Develop specialized trainers Cadre.

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## **12. Goal 9: Establish Regional Disaster Management Mechanism**

### **12.1. Objectives**

- (i) Identify potential disasters;
- (ii) Establish disaster management centres; and



- (iii) Develop efficient and rapid disaster response teams to ensure timely response

### **Background**

Partner States are potentially faced with natural, man-made disasters and complex emergencies such as drought, floods, landslides, famine, disease outbreaks; accidents, conflicts, fire, terrorism, Tsunami among others.

The occurrences of disasters pose severe negative impacts on livelihood and the environment. The dangers to human life and development are so great and cannot be underrated. The features, which distinguish disasters from severe events, need to be clearly stated to attract attention from those outside the affected areas in order to mitigate the outcomes. It is imperative that measures be undertaken towards disaster management from the perspective of prevention, mitigation, preparedness, response and recovery.

#### **12.1.1. Strategies**

- (i) Develop an early warning mechanism for commonly occurring disasters in the region; and
- (ii) Establish national databases for disaster management.

### **12.2. Establish Disaster Management Centres**

#### **Background**

Aware of the fact that disasters respect no boundaries, there is need to have a multi-disciplinary approach in addressing the problems. The main focus therefore should be establishment of regional disaster management mechanisms, which will harmonize technical co-operation and support.

Disaster threats are almost common to every country among the Partner States in the region. This therefore calls for the need to develop a comprehensive approach to disaster management. This approach should cover all aspects of the disaster risk management cycle i.e. prevention, mitigation, preparedness, rapid response, recovery and reconstruction.

#### **12.2.1. Strategies**

- (i) Partner States to establish and operationalise disaster management centres;
- (ii) Develop robust national disaster management and contingency plans;
- (iii) Establish and operationalise EAC Centre of Excellence in Disaster Management; and
- (iv) Integrate the national disaster management centres to the regional disaster management co-ordination centre;

### **12.3. Develop efficient and Rapid Disaster Response Teams and Ensure Timely Response**

#### **Background**

Effective and efficient disaster management and timely response mechanisms is an important ingredient in Disaster management and depends on policy in place and understanding the priorities of the disaster challenges. This entails improving on the existing capabilities prior to the threats. An effective policy entails interdisciplinary collaboration among the government, nongovernmental organizations, research and training institutions, commercial sector and the public likely to be affected by the disasters. To achieve this, local, national and regional co-ordination is required.

#### **12.3.1. Strategies**

- (i) Promote public awareness on Disaster Management;
- (ii) Develop capacity to manage disasters;
- (iii) Develop efficient and rapid response teams;
- (iv) Develop Standing Operating Procedures; and
- (v) Conduct joint exercises to enhance interoperability.

### **13. Goal 10: Formulate Security Measures to Prevent and Combat Terrorism**

#### **13.1. Objective**

Develop and operationalize mechanisms to prevent and combat terrorism

#### **Background**

There is an apparent large gap between political commitment, policy and legislations and practical implementation of legislation between member states in the region. This is seen in light of the UN resolution 1373 on Prevention and Suppression of Terrorism Financing, (to check on other UN resolution on Terrorism) of which the African Heads of State and Governments adopted in 1999 and the 'Algiers convention on the prevention and combating of terrorism'.

This, followed by 'Plan of Action on the prevention and combating of terrorism' of September 2002 reflects African realities.

#### **13.1.1. Strategies**

- (i) Enact EAC legislation on preventing and combating terrorism;
- (ii) Enhance institutional capacity to combat terrorism;
- (iii) Exchange information on terrorism;
- (iv) Operationalise the regional forensic referral centre;
- (v) Enhance security of borders and entry points;
- (vi) Countering Radicalization; and

- vii. Conduct joint operations to combat terrorism.

## **14. Goal 11: Establish Measures to Combat Cattle Rustling**

### **14.1. Objective**

Establish mechanisms and strengthen capacity to combat cattle rustling.

#### **Background**

Cattle rustling and stock theft are a threat to peace and security in the Eastern African Region in particular in the border areas. It often involves organized cattle raids using Small Arms and Light Weapons (SALWS) with concomitant violent skirmishes, loss of life and properties. The practice of cattle rustling in some ethnic groups is culturally ingrained while in modern times it has taken economic motives dimensions through organized raids. On the basis of its threats on peace and security in the region several initiatives at national and regional laws have been taken including making it a serious criminal act, instituting legislation and mechanisms to stop and eradicate it.

Some of these initiatives need to be adopted and implemented by all Partner States and their neighbouring countries. The EAC Protocol on Peace and Security under Article 13 urges Partner States to develop and adopt policies, strategies, legislation and mechanisms to prevent and combat cattle rustling as well as harmonize these laws and strategies. This augurs well with the Eastern Africa Police Chiefs Coordination Organization (EAPCCO) Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa that is yet not ratified by any of the Partner States. Partner States have different laws that deal with cattle rustling separately. Legislative bodies from Partner States should therefore harmonize policies, laws and strategy to address cattle rustling.

#### **14.1.1. Strategies**

- (i) Ratify and domesticate the EAPCCO 'Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa';
- (ii) Harmonize policies, laws and strategies to prevent and combat cattle rustling;
- (iii) Establish and/or strengthen Stock Theft Prevention Units in Partner States;
- (iv) Develop and implement harmonised livestock identification and traceability systems as a tool to discourage and prevent cattle rustling;
- (v) Institute alternative means of livelihood of livestock dependent communities to discourage cattle rustling practice; and
- (vi) Implement measures to control and manage cross-border livestock movements and trade

## **15. Goal 12: Establish Measures to Combat the Proliferation of Illicit Small Arms and Light Weapons**

### **15.1. Objective**

Improve management and control of SALW

#### **Background**

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons (SALW) in the Great Lakes Region and Horn of Africa and other International and Regional instruments mandate Partner States to establish National Focal Points as co-ordinating agencies to provide institutional mechanisms to promote and co-ordinate implementation of comprehensive measures to tackle illicit small arms and light weapons.

The Regional and International instruments/obligations require Partner States to develop and implement National Action Plans that guide national interventions towards tackling problems of illicit Small Arms and Light Weapons. These will include development of the national policies guide strengthening the management and control of SALW.

#### **15.1.1. Strategies**

- (i) Develop and implement National Action Plans;
- (ii) Harmonise laws relating to small arms and light weapons;
- (iii) Establish national databases; and
- (iv) Create public awareness through political, civic and clan leaders.

## **16. Goal 13: Develop Mechanisms to Combat Security Challenges on EAC Shared Inland Water Bodies**

### **16.1. Objectives**

- (i) Institute measures to combat smuggling and thefts on the shared inland water bodies; and
- (ii) Establish mechanisms to control pollution and promote sustainable utilization of natural resources on the shared inland water bodies.

### **16.2. Institute measures to combat smuggling and thefts on the shared inland water bodies**

#### **Background**

Under Article 12 of the EAC Protocol on Peace and Security, Partner states are urged to put in place measures to combat transnational and cross border crimes that also occur on the shared inland water bodies. Smuggling, thefts and robberies activities take place on the shared inland water bodies and pose threats to peace and security. In smuggling, smugglers are using the lake to bring in goods and merchandise from neighbouring countries

to evade taxes causing the governments to lose a lot of revenue as well as failing genuine importers to market their commodities. In addition to smuggling there are reported incidences of fish boats thefts and boat passengers being robbed.

These felonies not only threaten peace and security but also impact negatively on investment climate on and around the shared water bodies' areas of the Partner States. The need for joint operations among the Partner States on the shared inland water bodies is paramount and will go a long way in ensuring security on the lake. At the moment Partner States are operating independently and uncoordinated, a situation the criminals are finding very easy to exploit. Joint surveillance by Partner States will lead to sharing of information, as criminals on the lake tend to operate across the borders.

It will also ensure a cost effective monitoring system. Also, Partner States have not fully established inter-agency security committees to handle security on the shared water bodies as such security agencies are operating in isolation of one another and yet their roles are complimentary. Combating smuggling and thieving on shared water bodies through addressing these concerns will ensure peace and security and thereof provide a good and conducive environment for development where all the Partner States will benefit.

Other challenges include reducing fishing pressure and incidences of illegal, unregulated and unreported (IUU) through putting in place and implementing mechanisms and measures that will promote sustainable utilization of natural resources abounding in the shared inland water bodies.

#### **16.2.1. Strategies**

- (i) Strengthen surveillance and monitoring of peace and security on the EAC shared Inland water bodies;
- (ii) Establish inter agency cooperation committees for security organs; and
- (iii) Combat smuggling theft and robberies on shared inland water bodies.

### **16.3. Establish mechanisms to control pollution and promote sustainable utilization of natural resources abound in the shared Inland Water bodies**

#### **Background**

Sustainable availability of fish resources in the shared water bodies in East Africa is an important factor and concern for peace and security in the region. It is important to maintain and ensure sustainable availability of fish resources in the shared water bodies by balancing reproduction, production (growth) and harvesting of fish through regulating fishing

efforts and capacity. Depleted fish resources in the shared water bodies are threats to food security, poverty alleviation, standard of living and peace and security.

Partner States, therefore, should put in place mechanisms to manage and control fishing pressure in the shared water bodies. Such mechanisms include harmonizing fishing policies and laws, developing and strengthening community involvement in management of fisheries resources through Beach Management Units, strengthening mechanisms to regulate fishing efforts, promoting alternative sources of income for the fishing dependent communities and promoting fish farming (aquaculture) to reduce pressure on capture fisheries.

#### **16.3.1. Strategies**

- (i) Harmonize pollution control and fisheries policies and legislation;
- (ii) Establish mechanisms to control and reduce pollution and environmental degradation;
- (iii) Establish measures to reduce fishing pressure; and
- (iv) Institute public awareness and education campaigns.

### **17. Goal 14: Operationalise the East African Community Conflict Prevention, Management and Resolution Mechanism**

#### **17.1. Objective**

Prevent, manage and resolve disputes or conflicts within and between/ amongst Partner States or with foreign countries.

#### **Background**

The Partner States have witnessed several conflicts internally, regionally and globally. This calls for a mechanism for peaceful resolution of disputes and conflicts within and between Partner States and a forum under which the EAC can participate in resolution of disputes within and between Partner States and with foreign countries.

An effective mechanism for consultations and co-operation geared towards peaceful settlement of disputes in order to maintain and consolidate peace and this leads to improved well-being of the people of East Africa.

#### **17.1.1. Strategies**

- (i) Develop capacities to anticipate, mediate, negotiate and mitigate disputes and conflicts;
- (ii) Develop modalities for peace support operations;
- (iii) Develop framework for facilitation of post-conflict recovery and sustainable peace, security and development;
- (iv) Sensitize and popularize EAC CPMR initiatives and promotion and enhancing peaceful social co-existence in the region, including women, youth, civil society, private sector and other interest

- groups;
- (v) Establish similar mechanisms for conflict management at national, sub-national and local community level;
- (vi) Operationalise the EAC Peace Facility;
- (vii) Use traditional mechanisms of preventing and resolving conflicts; and
- (viii) Cooperate and collaborate and alliances with other bilateral, multilateral organizations and countries in conflict management within EAC.

## **18. Goal 15: Operationalize the East African Community Early Warning Mechanism**

### **18.1. Objective**

Facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crises.

### **Background**

In order to prevent, mitigate and manage conflicts and threats in the region, there is need to ensure timely collection of data and relevant information that decision makers and other stakeholders can use. This calls for a sound mechanism that will facilitate collection, verification and analysis of such information and communicate the results to decision makers.

#### **18.1.1. Strategies**

- (i) Develop indicators and other analytical tools for the Early Warning;
- (ii) Gather, verify, analyze and disseminate information on potential areas that may pose threat to peace and security and recommending timely and appropriate measures, strategies and policies;
- (iii) Establish National Early Warning Centre's and Focal Points and promote collaboration and cooperation among Partner States on Early Warning and Response on issues affecting peace and security in the region;
- (iv) Conduct research on potential security threats in the region and build regional data base;
- (v) Develop capacities including human resources and installation of appropriate communication and data analysis equipment both at national and regional level; and
- (vi) Collaborate with the Continental Early Warning System (CEWS).

## **19. Goal 16: Enhance Cooperation within Prisons/ Correctional Services in the Region**

### **19.1. Objectives**

- (i) Develop a governance and management Framework;
- (ii) Enhance Technical Cooperation;
- (iii) Enhance Human Resource Management and development

- (HMRD);
- (iv) Strengthen Education and training;
- (v) Promote Research, enhance data collection and information sharing on prisons/ correctional services;
- (vi) Enhance Learning and knowledge exchange; and
- (vii) Enhance Confidence building initiatives

## **19.2. Develop a Governance and Management Framework**

### **Background**

Currently there exist different standards, philosophies and strategies in regard to governance, management of institutions and treatment of inmates/offenders/juveniles. As a result there are no commonalities in management and governance of Prisons/correctional services. The development of governance and management framework, therefore, entails the establishment of common standards on the governance, management of Services and treatment of inmates/offenders/juveniles in view of continental and global mandates pertaining to Prisons/Correctional Services; and the dictates of the EAC regional environment.

#### **19.2.1. Strategies**

- (i) Ensure Partner States harmonise/approximate their laws and policies relating to prisons/correctional services;
  - (ii) Develop Common Prisons/Correctional Services Operating Procedures;
  - (iii) Establish joint planning and operations for Prisons/Correctional Services;
  - (iv) Design common approaches to participation of Prisons/Correctional Services in peace support operations; and
  - (v) Establish collaboration mechanisms between agencies within the criminal justice system and other stakeholders.
- ...

#### **19.3.1. Strategies**

- (i) Develop modalities for sharing experiences, skills and expertise;
  - (ii) Establish a framework for regional offender integrated management information system (IMIS);
  - (iii) Develop a framework for collaboration in modern technology for Prisons/Correctional Services;
  - (iv) Design a common approach to reduction and management of infectious and contagious diseases including, disasters, epidemics and emergencies; and
  - (v) Partner States to harmonise prisoners' / offenders' /juveniles' regimes and utilization of resultant outputs
- ...



## **20. Goal 17: Detection, Prevention, Mitigation and Stopping of Genocide**

### **20.1. Objective**

Develop appropriate mechanisms to detect, prevent, mitigate and stop genocide.

#### **Background**

Genocide is defined as a crime under international law in the Genocide Convention of 1948. The Convention makes it a crime to commit genocide, plan or conspire to commit genocide, incite or cause other people to commit genocide or be complicit or involved in any act of genocide.

The need to prevent genocide and punish those responsible is inevitable and this has been of concern to the international community since the end of the Second World War. Preventing genocide is a collective obligation; therefore Partner States are bound to develop mechanisms aimed at preventing any possibility of occurrence of genocide.

#### **20.1.1. Strategies**

- (i) Designate a regional documentation centre of excellence on Genocide;
- (ii) Exchange relevant information and intelligence on tendencies of genocide;
- (iii) Carry out national and regional sensitization campaigns against genocide and genocide ideology;
- (iv) Ratify International conventions, treaties and protocols pertaining to Genocide;
- (v) Establish a research team on genocide within EAC;
- (vi) Set up a national fund for the support of the victims of genocide to improve their living conditions;
- (vii) Establish and promote counseling and victim support centers;
- (viii) Establish, re-enforce structures and processes for protecting victims and witnesses of Genocide; and
- (ix) Organize commemoration ceremonies of genocide victims at regional level.

## **21. Goal 18: Combatting and Suppressing Piracy for Maritime Safety and Security**

### **21.1. Objective:**

Enhance Safety and Security in the Maritime Domain

#### **Background**

Piracy has continued to undermine the socio-economic development in the region. The threat has the potential of compromising development

and regional integration.

Piracy undermines the security of the region and its ports and their continued development as a commercial hub in the global economy. It weakens the integration of the region by reducing the competitive advantage of its wealth and natural resources. Piracy increases the costs of insurance and transport, hence the costs of doing business in the region.

Despite the above situation, the region is lacking an effective maritime security strategy and deep-water maritime surveillance capability to protect commerce and shipping. The threat has also increased the risks of human and drugs trafficking, arms proliferation, money laundering and terrorism. It is against this background that EAC Partner States are compelled to collectively develop strategies to combat the threat since no single country in the region is able to tackle the problem alone.

#### **21.1.1. Strategies**

In addressing the MSS threats in the region, the following strategies need to be adopted;

- (i) Mobilize Resources for Maritime Security and Safety;
- (ii) Create awareness on Maritime Domain;
- (iii) Develop an Institutional Maritime Governance;
- (iv) Protect Maritime Economy;
- (v) Build Maritime Institutional Capacity; and
- (vi) Enhance Cooperation, coordination and collaboration.

### **22. Goal 19: Enhancing Measures to Detect Prevent and Combat Cyber Crime**

#### **22.1. Objective**

Develop mechanisms to detect and combat cyber crime

#### **Background**

The development and adoption of ICT technologies within the region have tremendously grown. With this growth, risks of cyber attacks have also become imminent and the challenges of cybercrime continue to rise. It is a transnational threat affecting people and their rights, generating large amounts of crime proceeds, causing major damage, and targeting economic, social-economic and security interests of societies within the region and worldwide.

In order to ensure safety in the cyber space, partner states need to develop measures to protect infrastructure against or prevent intentional and nonintentional cyber incidents and attacks.

#### **22.1.1. Strategies**

- (i) Increase public awareness on safety and security on the internet;
- (ii) Ratify and implement relevant International Conventions on

- Combating Cyber Crime;
- (iii) Enact and/or harmonize laws relating to cyber crime among partner states;
- (iv) Build capacity for law enforcement agencies and Judiciary by ensuring appropriate tools and skills are put in place;
- (v) Enhance International Cooperation through sharing of information and intelligence on cyber crime; and
- (vi) Enhance Intra and Inter-Agency cooperation in Partner States.

## **23. Goal 20: Enhance Measures to Combat Human Trafficking, Illegal Migration and Smuggling of Migrants in the Region**

### **23.1. Objective**

Eradicate human trafficking, illegal migration and smuggling of migrants in the EAC region.

#### **Background**

The world over, there are people who fall victim to human trafficking and smuggling of migrants in countries which act either as source, transit or destination. Various studies have assessed the extent of human trafficking, illegal immigration, and smuggling of migrants in East Africa Partner states and have confirmed that are not only prevalent, but also rampant. The region has been a source, point of transit and destination for trafficked and smuggled men, women and children.

Virtually, every country in the world is affected by these crimes. The challenge for all countries, rich and poor alike is to target criminals who exploit desperate people and to protect and assist victims of trafficking and smuggling many of whom endure unimaginable hardships in their bid for better life.

Internationally there are initiatives that have been undertaken to combat these crimes. United Nations has enacted the Convention against Transnational Organized Crime and its supplement Protocols on Trafficking in Persons and Smuggling of Migrants of 2000. These pieces of legislation which EAC Partner states are signatory are international instruments addressing this phenomenon. The part played by East Africa partner States is still limited in a way states are acting as destination or conduit point to other destinations.

The partner states partly comply with the requirements of the relevant international protocols to tackle these challenges. Each state has established its own mechanism of fighting transnational crimes. However, the mechanisms established are ineffective and unsustainable for successful fighting against those crimes. It is from that background that organized efforts are needed for the states to be able to wage a timely battle against the foregoing crimes in our region.

### 23.1.1. Strategies

- (i) Prevent human trafficking, illegal immigration and smuggling of migrants;
- (ii) Protect and assist victims of human trafficking and smuggling; and
- (iii) Promote coordination in counter human Trafficking, and smuggling of migrants within the region.

## 24. Goal 21: Enhance Co-Operation in Combatting Environmental Crimes

### 24.1. Objective

Jointly protect the environment.

#### Background

An environmental crime can be defined as a grave act against the environment that results in the infringement of the right of citizens to a clean and healthy environment. For such an act to constitute a crime, it must contravene laid-down legislation in the various sectors of the environment, such as forestry, water and wildlife. Environmental offences have, for a long time, been treated as misdemeanors, and not felonies.

Environmental crime is a serious and growing concern, leading to the near extinction of valuable wildlife species, and significantly impacting on the biological integrity of the planet.

It contributes to environmental degradation, which in turn affects the quality and quantity of environmental resources. By doing so, it leads to unhealthy competition for these scarce resources, and subsequently to volatile situations and even resource-use conflicts. As such, environmental crime impacts on human livelihoods.

Environmental crimes include illegal fishing, illegal harvest of the forest, poaching either for the purpose of eating or selling, bush burning, electronic (e-waste), radioactive, industrial waste and other forms of waste dumping.

For effective management of environment there is need for EAC to harmonize the laws. An example, the usage of polythene paper and other related material in one of the Partner State is illegal where as other Partner States the usage of polythene is legal and more other examples hence necessitating the harmonization of the legislation.

Some environmental crimes are trans-boundary in nature for example the importation and exportation of e-wastes and pollution of water bodies thus the need for collaborative monitoring and enforcement of the laws among EAC Partner States.

### **24.1.1. Strategies**

- (i) Harmonize Partner States environmental laws;
- (ii) Develop a coordination mechanism among environmental authorities within the EAC Partner States;
- (iii) Information sharing on best practices for environmental protection and cross border waste control;
- (iv) Develop and implement awareness/sensitization programmes;
- (v) Strengthen security at border posts and check points to prevent and localize environmental crimes; and
- (vi) Establish and/or strengthen mechanism to safe guard inland water bodies and the sea from environmental pollution.

## **25. Goal 22: Strengthen Cooperation Amongst Partner States on Antimoney Laundering and Counter Financing of Terrorism (AMI/CFT) Initiatives**

### **25.1. Objective**

Eradicate money laundering and financing of terrorism in the region.

#### **Background**

Money laundering is fundamentally a means to process proceeds of crime to disguise its illegal origin. Terrorist financing is also a major concern. Terrorism may be financed by dirty money (proceeds of crime) as well as clean money. The war against terrorism has two components. The first component concerns having strategies and measures in place to prevent acts of terrorism, and this component are usually handled by security and armed forces.

The second component concerns the financing part of terrorism. This involves having strategies and measures in place to prevent terrorists from transacting and financing their acts of terrorism. This component is usually handled by Financial Intelligence Units and regulators of reporting person such as central banks, regulators of NGOs and Accountants and auditors. This is all in line with the Financial Action Task Force (FATF) forty Recommendations.

In this regard, Partner states need to have in place a policy, legal and institutional framework to fight money laundering and the financing of terrorism, taking into account international AML/CFT standards and best practices.

Fighting money laundering and terrorism financing need concerted efforts since perpetrators of these crimes use sophisticated methods, which most of the time spread across countries. In order to be able to deal with these crimes effectively, there is a need for regional and international cooperation.

### 25.1.1. Strategies

- (i) Develop standard capacity building programs on AML/CFT for FIUs, law enforcement agencies, Judiciary and Regulators;
  - (ii) Develop a regional policy framework for combating Money Laundering and the Financing of Terrorism;
  - (iii) Harmonize Partner States laws on AML/CFT;
  - (iv) Ratify and implement relevant International Conventions and Resolutions on AML/CFT;
  - (v) Strengthen International Regional and Inter-agency cooperation;
  - (vi) Enhance surveillance controls and reporting systems at border and all entry points to deter illicit activities and intercept flows of dirty money; and
  - (vii) Establish and enhance mechanisms for information sharing among Partner State
- ...
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### See also:

- Declaration of the 12th Summit of EAC Heads of State and Government on Food Security and Climate Change (2 December 2010) available online at: <https://bit.ly/38HhcDs>
- EAC Development Strategy (2011/12 – 2015/16) (August 2011) available online at: <https://bit.ly/3fdLgJl>
- East African Community (EAC) Vision 2050 | Regional Vision for Socio-Economic Transformation and Development (August 2015, Arusha, Tanzania) available online at: <https://bit.ly/2ClaxCE>
- One Health Regional Risk and Crisis Communication Strategy (2018/2019 – 2022/2023) (2017) available online at: <https://bit.ly/2ZPh6FW>
- The East African Community Regional Contingency Plan for Epidemics due to Communicable Diseases, Conditions and Other Events of Public Health Concern 2018-2023 (2018) available online at: <https://bit.ly/3gAMAWS>

### Documents of the Eastern Africa Police Chiefs Organisation (EAPCOO):

- Protocol on the Prevention, Combatting and Eradication of Cattle Rustling in Eastern Africa (2008) available online at: <https://bit.ly/2Za7Gpk>
- Agreement in Respect of Cooperation and Mutual Assistance in the Field of Crime Combatting

- Agreement in the Field of Combatting Terrorism

**Selected Resolutions of the East Africa Community Legislative Assembly (EALA):**

- Resolution Urging the Summit of EAC Heads of State to Intervene and Resolve the Conflict between South Sudan and Sudan and Related Matters (31 May 2012, EALA Resolution: EALA/RES/06/2012) available online at: <https://bit.ly/3eeWD2c>
- Resolution on the Security Situation in Eastern DRC and EAC neighbouring Countries (6 July 2012) available online at: <https://bit.ly/321927p>
- Resolution to Commemorate the Genocide Against the Tutsi (17 April 2013, EALA Resolution: EALA/RES/3/05/2013) available online at: <https://bit.ly/3iIwrAB>
- Resolution Urging the Summit to Institute Mechanisms to Stop the Perpetuation of Genocide Ideology and Denial in the Region (22 August 2013, EALA Resolution: EALA/RES/3/12/2013) available online at: <https://bit.ly/2ALM7C4>
- Resolution for the Establishment of the East African Parliamentary Centre for Peace and Security (EAPCPS) (28 January 2015, EALA Resolution: EALA/RES/3/2/2015) available online at: <https://bit.ly/2ZcCJAM>
- Resolution Urging EAC Partner States to Adopt the African Charter on Democracy, Elections and Governance (29 January 2015, EALA Resolution: EALA/RES/3/3/2015) available online at: <https://bit.ly/2ZR1sK6>
- Resolution Urging Action to Prevent Trafficking in Persons, Protect Victims thereof, and Prosecute Perpetrators (20 August 2015, EALA Resolution: EALA/RES/3/5/2015) available online at: <https://bit.ly/38EfFOB>
- Resolution Condemn the Killing of Hon. HAFSA Mossi (EALA Resolution: EALA-RES-3-05-2016) (21 July 2016) available online at: <https://bit.ly/2OaCoZ6>

**Selected communiques, decisions and reports relating to peace and security in the region:**

- Communique of the Joint ICGLR-EAC Meeting (28 March 2017, Bujumbura, Burundi) available online at: <https://bit.ly/2BVZj7Z>
- Report of the EAC Council of Ministers to the East African Legislative Assembly on Progress made by the Community in the Development of its Common Foreign and Security Policies (July 2018, Arusha, Tanzania) available online at: <https://bit.ly/2ZQMeVw>
- Joint Statement by the Ministers Responsible for Health and East African Community Affairs issued on 25th March 2020 on COVID-19 Preparedness and Response in East African Community Region (25 March 2020) available online at: <https://bit.ly/2ZUMGll>

**On the Burundi crisis of 2015**

- Official Statement, 'Consultative meeting do deliberate on the way forward on the Situation in Burundi' (6 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3gGmhyv>
- Official Statement, 'Status of EALA Public Hearing Workshop on the deteriorating Human Rights and Humanitarian Situation in the Republic of Burundi held on 13-16th January 2016 in Arusha' (13 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3fgveyj>
- Official Statement, 'EALA Public Hearing Workshop on the deteriorating human rights and humanitarian situation in the Republic of Burundi concludes in Arusha' (25 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3ecIF0Q>