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Kenya, Uganda and United Republic of Tanzania

Treaty for the establishment of the East African Community. Arusha, 30 November 1999

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Kenya, Ouganda et République-Unie de Tanzanie

Traité établissant la Communauté de l'Afrique de l'Est. Arusha, 30 novembre 1999

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[ENGLISH TEXT — TEXTE ANGLAIS]

TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

Preamble

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

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

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

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

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

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

And whereas on the 30th day of November, 1993, provision was made by the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation Between the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania for the establishment of the Permanent Tripartite Commission for Co-operation hereinafter

referred to as "the Tripartite Commission" to be responsible for the co-ordination of economic, social, cultural, security and political issues among the said countries and a Declaration was also made by the Heads of State of the said countries for closer East African Co-operation;

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

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

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

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

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

And whereas the said countries are resolved to act in concert to achieve the objectives set out hereinbefore;

Now therefore the Republic of Kenya , the Republic of Uganda and the United Republic of Tanzania ;

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

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

Agreed as follows:

CHAPTER ONE

INTERPRETATION

Article 1. Interpretation

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

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

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

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

"Bill" means a Bill of the East African Legislative Assembly;

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

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

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

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

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

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

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

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

"Co-operation" includes the undertaking by the Partner States in common, jointly or in concert, of activities undertaken in furtherance of the objectives of the Community as pro-