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THE EAST AFRICAN COMMUNITY

**BILL SUPPLEMENT**

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICA SCIENCE AND TECHNOLOGY  
COMMISSION BILL, 2015

MEMORANDUM

The object of this Bill is to establish the East Africa Science and Technology Commission as an institution of the Community, in recognition of the fundamental importance of collaboration in science and technology for economic development.

It is anticipated that this will greatly enhance the integration of the people of East Africa, in addition to fulfilling the mandates of the Partner States as specified under Article 103 of the Treaty for the Establishment of the East African Community.

In its institutional arrangements, the Bill establishes a Governing Board with a Secretariat, which shall be the executive arm of the Commission. The Secretariat shall be under the Executive Secretary and its headquarters shall be determined by the Council.

The funds of the Commission shall be drawn from the Community budget, from stakeholder's contributions, from contributions by development partners and from other sources determined by the Council.

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

THE EAST AFRICA SCIENCE AND TECHNOLOGY  
COMMISSION BILL, 2015

ARRANGEMENT OF CLAUSES

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**THE EAST AFRICA SCIENCE AND TECHNOLOGY  
COMMISSION BILL, 2015**

**A Bill for an Act**

**ENTITLED**

**THE EAST AFRICA SCIENCE AND TECHNOLOGY  
COMMISSION ACT, 2015.**

**An Act of the Community to establish the East African  
Science and Technology Commission 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 East African Science and Technology Commission Act, 2015. Short title.

2. In this Act, unless the context otherwise requires— Inter-pretation.

“Commission” means the Commission established  
under section 3;

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

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“Council” means the Council of Ministers of the Community established under Article 9 of the Treaty;

“financial year” means a period of twelve consecutive months from 1st July to 30th June in each year;

“Inter-University Council for East Africa” means the Inter-University Council for East Africa provided for under Article 9 of the Treaty;

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

“Secretary General” means the Secretary-General of the Community provided for under Article 67 of the Treaty;

“Sectoral Council” means the Sectoral Council responsible for science and technology;

“Treaty” means the Treaty for the Establishment of the East African Community.

Establish-  
ment of the  
Commission.

3. (1) There is established a commission known as the East African Science and Technology Commission.

(2) The Commission shall be a semi autonomous institution of the Community with perpetual succession and a common seal and may—

(a) acquire, hold and dispose of movable and immovable property;

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- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

4. The objectives of the Commission shall be to promote Objectives. and coordinate the development, management and application of science and technology in the Partner States, and in particular to promote—

- (a) cooperation in the development of regional science and technology policies;
- (b) joint development and application of science and technology for the Community;
- (c) cooperation in the joint research and development in science and technology;
- (d) joint mobilization, utilization, management and development of resources, both material and human, for the development of science and technology in the Community;
- (e) development, adoption and utilisation of information and communication technology, as well as the adoption of new and emerging technologies;
- (f) scientific and technological innovation and invention within the Partner States; and
- (g) cooperation with organisations with similar objectives.

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Functions of  
the  
Commission.

**5.** (1) To achieve the objectives of this Act, the Commission shall coordinate and facilitate the activities of the Partner States and national science and technology institutions in promoting the development and application of science, technology and innovation in all its aspects, including policy development, administrative issues, resource mobilisation and utilisation, research and development, programme, product and project development and implementation, and all other incidental and integral matters.

(2) Without prejudice to the provisions of subsection (1), the functions of the Commission shall be to—

- (a) formulate the policies of the Commission;
- (b) approve the general framework for the programmes of the Commission;
- (c) approve the budget and audited accounts of the Commission;
- (d) direct the Secretariat to undertake any tasks that are compatible with the aims and objectives of the Commission;
- (e) receive and consider reports from the Executive Secretary on the activities of the Commission;
- (f) elect the chairperson of the Governing Board and the members of committees of the Governing Board;
- (g) make decisions for the fulfilment of the objectives of the Commission;
- (h) determine priorities for regional collaborative research;

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- (i) formulate policies that shall safeguard the region from hazards that might result from research activities and application of science and technology;
- (j) monitor and evaluate the implementation of agreed regional science and technology policies;
- (k) establish think tanks that shall evaluate trends and forecast in science and technology and give recommendations to the Partner States;
- (l) develop mechanisms for the identification, promotion and growth of special talents in science and technology, with particular emphasis on the youth and gender parity;
- (m) promote the use and development of indigenous knowledge and technology;
- (n) facilitate the dissemination and internalisation of new and emerging technology;
- (o) promote and coordinate the public and private sector partnership in the development and application of science and technology;
- (p) promote the development of regional research centres of excellence;
- (q) promote the inculcation of a science and technology culture in the Partner States;
- (r) establish and coordinate the implementation of common ethical guidelines for research and its application in the Community;

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- (s) promote the exchange and utilisation of scientific information;
- (t) support the dissemination of research and development findings in the Partner States;
- (u) enhance collaboration in the training of personnel for various scientific and technological disciplines; and
- (v) perform any other function for the furtherance of the objectives of the Commission as may from time to time be directed by the Council.

Composition  
of the  
Commission.

**6.** The organs of the Commission are—

- (a) the Governing Board;
- (b) Secretariat; and
- (c) such other organs and officers as the Governing Board may consider necessary.

The  
Governing  
Board.

**7. (1)** The Governing Board shall comprise the following—

- (a) one representative of science and technology councils or commissions from each Partner State;
- (b) one representative of the ministries responsible for science and technology in each Partner State;
- (c) the Secretary-General or his or her representative;
- (d) the Executive Secretary of the Inter-University Council for East Africa;

- (e) one representative of the private sector from each Partner State nominated by the respective associations;
- (f) one representative of all public universities in each Partner State nominated by the respective associations;
- (g) one representative of all private universities in each Partner State nominated by the respective associations;
- (h) one representative of the civil society from each Partner State nominated by national science and technology councils or commissions of each Partner State; and
- (i) one scientist from each Partner State nominated by national science and technology council or commission of each Partner State.

(2) In appointment of the representatives of the Governing Board, gender balance shall be taken into account.

(3) Without prejudice to the provisions of subsection (1), the Governing Board shall, in accordance with its rules and regulations, have the right to co-opt any additional member or members as the need arises.

(4) Institutions provided for under subsection (1) (a), (b), (c) and (d) shall be permanently represented on the Governing Board.

(5) Representatives of the organizations provided for under subsection (1)(e), (f), (g) (h) and (i) shall hold office for a term of three years from the date of appointment, and shall be replaced or re-appointed by their respective organizations.

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Meetings of  
the  
Governing  
Board.

**8.** (1) The Governing Board shall meet at least twice in each year.

(2) Extra-ordinary meetings of the Governing Board may be convened by the Executive Secretary upon the request of at least half of the members of the Governing Board.

(3) At every meeting of the Governing Board, the quorum shall be constituted by at least half of the members of the Governing Board who shall include—

- (a) one representative from each of the Science and Technology Councils or Commission;
- (b) one representative from each Partner States' Ministry responsible for science and technology; and
- (c) one representative from the universities of each Partner State.

(4) The Governing Board shall determine its own procedure for the conduct of its business.

Secretariat  
of the  
Commission.

**9.** (1) There shall be a Secretariat of the Commission under the Executive Secretary and two Deputy Executive Secretaries who shall be appointed by the Council on competitive basis and under the principle of rotation.

(2) The functions of the Secretariat shall be to—

- (a) carry out the administrative and financial management of the Commission;
- (b) coordinate all the activities of the Commission within the scope of this Act;

- (c) facilitate fund raising activities for financing research, scientific and technological development;
- (d) facilitate workshops, seminars and conferences for the dissemination and advancement of scientific and technological knowledge;
- (e) facilitate the exchange of scientific and technological staff within the Partner States;
- (f) coordinate the establishment of regional research registries for all research activities undertaken in the Partner States;
- (g) establish and support mechanisms for promoting the use of indigenous knowledge;
- (h) conduct needs assessment in science and technology; and
- (i) evaluate and harmonise research ethics guidelines.

**10.** (1) The Executive Secretary shall be the Chief Executive Officer of the Commission. Executive Secretary.

(2) The Executive Secretary shall—

- (a) implement the work of the Commission in accordance with the policy and decisions of the Sectoral Council;
- (b) submit reports on the work of the Commission as well as the audited accounts to the Council;
- (c) be the Secretary to the Governing Board;
- (d) be the accounting officer of the Commission;

- (e) be the custodian of the records of the Commission;
- (f) implement the decisions of the Governing Board; and
- (g) perform such other duties, as the Governing Board may from time to time determine.

(3) The Executive Secretary shall facilitate, coordinate and oversee all meetings of the Governing Board and shall not be entitled to vote.

(4) The Executive Secretary may delegate some of his or her administrative duties to other officers.

(5) The Executive Secretary shall serve a fixed five-year term.

(6) The Executive Secretary shall be assisted by two Deputy Executive Secretaries appointed by the Council.

(7) The Deputy Executive Secretaries shall serve on a three year term renewable once on rotational basis.

(8) The Deputy Executive Secretaries shall be of nationalities different from that of the Executive Secretary.

Other staff  
of the  
Commission.

**11.** (1) There shall be other officers and staff of the Commission as the Governing Board may determine.

(2) All staff of the Commission shall be appointed on contract and in accordance with the staff rules, regulations terms and conditions of the Community.

Specialised  
technical  
committees  
of the  
Commission.

**12.** (1) The Governing Board may establish such specialised technical committees, as it may deem necessary.

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(2) The committees shall exercise such powers and functions as the Governing Board may determine.

(3) The committees shall conduct their meetings in accordance with the rules and regulations determined by the Governing Board.

**13.** (1) The Commission shall at the end of each financial year prepare an annual report on the performance of its functions during that year for submission to the Council.

Relationship  
between the  
Commission  
and the  
Council.

(2) The Council may make policy directions of a general nature to the Commission in respect of the performance of the Commission's functions, provided that such directions are consistent with the provisions of this Act.

**14.** The Partner States shall in the implementation of this Act, establish partnership agreements with development partners to promote development of science and technology.

Cooperation  
with  
development  
partners.

**15.** (1) The sources of funds for the Commission shall be from the Community budget, stakeholders' contributions, development partners and such other sources as shall be established by the Council.

Financial  
provisions.

(2) The income and property of the Commission shall be used solely for the promotion of the objectives and management of the Commission.

(3) The Commission shall within 3 months before the commencement of each financial year, prepare and submit to the Council for its approval, an annual programme of activities and estimates of expenditure and income of the Commission.

(4) The Commission shall keep proper books of account of all its income and expenditure and proper records in relation to them.

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(5) The accounts of the Commission shall in respect of each financial year, be audited by the Audit Commission established under Article 134 of the Treaty or an auditor appointed by the Audit Commission.

(6) The Commission shall within four months after the end of each financial year submit to the Audit Commission the accounts of the Commission for auditing.

(7) The budget and accounts of the Commission shall be kept and maintained in United States Dollars.

(8) The financial year of the Commission shall run from 1st July to 30th June.

Headquarters  
of the  
Commission.

**16.** (1) The Headquarters of the Commission shall be located in Kigali in the Republic of Rwanda.

(2) The Headquarters shall be the permanent seat of the Commission and shall not be transferred unless the Council so decides with the approval of the Assembly.

(3) Any transfer of the Headquarters temporarily to another location shall not constitute a removal of the headquarters unless there is an express decision by the Council to that effect.

Status,  
privileges  
and  
immunities.

**17.** The Partner States shall grant the Commission the status, privileges and immunities pertaining to the Community in accordance with Article 138 of the Treaty.

Regulations.

**18.** The Council may make regulations to give effect to the provisions of this Act.

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**19.** (1) In the event of a dispute between the Partner States, or the Partner States and the Commission, the Partner States concerned or the Commission shall first seek solution by any of the alternative dispute resolution mechanisms which include negotiation, mediation, conciliation and arbitration. Dispute settlement.

(2) Where the Partner States or the Commission fail to resolve the dispute by alternative dispute resolution mechanism within a reasonable time, any of the Partner States or the Secretary General may refer the matter to the East African Court of Justice in accordance with Articles 27, 28 and 29 of the Treaty.

(3) The decision of the East African Court of Justice on any dispute referred to it under this Act shall be final.

**20.** (1) Subject to the provisions of the Treaty, the Commission may be dissolved by the Summit. Dissolution.

(2) On dissolution the rights, assets and liabilities of the Commission shall revert to the Community.

**21.** This Act shall take precedence over the laws of the Partner states with respect to any matter to which its provisions relate. Act to take precedence.

