

THE EAST AFRICAN COMMUNITY  
CONFLICT MANAGEMENT ACT, 2012



**FORM OF STATEMENT BY THE SPEAKER ON  
SUBMISSION OF ASSENT COPIES OF BILLS TO  
HEADS OF STATE**

Forwarded by me is the printed copy of the bill entitled

*THE EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT  
Bill, 2012*

That was passed by the East African Legislative Assembly on the

*29<sup>TH</sup>* day *MAY* of *2012* for your assents.

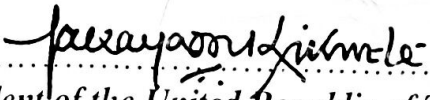
Signed:.....

  
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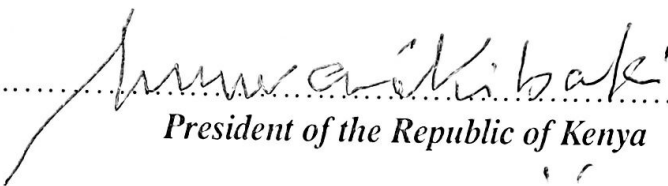
*Speaker of the East African Legislative Assembly*

FORM OF STATEMENT OF THE HEADS OF STATES' ASSENT

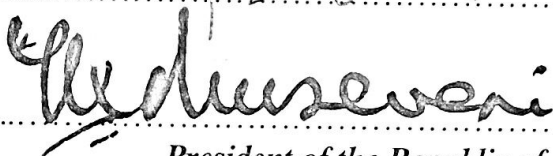
I signify my assent to the Bill

Signed:.....  
President of the United Republic of Tanzania

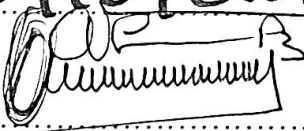
Date of Assent:.....15 December 2014.....

Signed:.....  
President of the Republic of Kenya

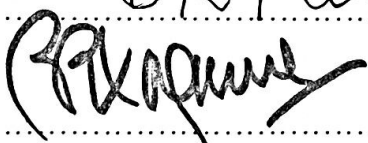
Date of Assent:.....9 - 8 - 2012.....

Signed:.....  
President of the Republic of Uganda

Date of Assent:.....16/10/2012.....

Signed:.....  
President of the Republic of Burundi

Date of Assent:.....6/2/2013.....

Signed:.....  
President of the Republic of Rwanda

Date of Assent:.....26.08.14.....

THE EAST AFRICAN COMMUNITY CONFLICT  
MANAGEMENT ACT, 2012

ARRANGEMENT OF SECTIONS

*Section*

1. Short title and commencement
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3. Objectives
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6. Composition of Office
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**THE EAST AFRICAN COMMUNITY CONFLICT  
MANAGEMENT ACT 2012**

**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.

Short title  
and  
commence-  
ment

2. In this Act unless the context otherwise requires—

Inter-  
pretation.

“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;

“eminent person” means a person qualified to be appointed to the panel under section 6;

“mediation” means a process of dialogue and negotiation in which a third party assists parties to a dispute, with their consent, to prevent, manage or resolve a conflict without resort to force;

“member” means a member of the Office;

“negotiation” means a dialogue between parties, intended to reach an understanding, resolve point of difference, or gain advantage in the outcome of the dialogue, to produce an agreement upon courses of action, to bargain for individual or collective advantage or to craft outcomes to satisfy various interests of the parties involved in the negotiation process;

“Office” means the Office of Eminent Persons established under section 4;

“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;

“person” means a natural or legal person;

“Secretariat” means the Secretariat of the Community established by Article 9 of the Treaty;

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

“Summit” means the Summit of the Heads of State established by Article 9 of the Treaty; and

“Treaty” means the Treaty establishing the East African Community.



Objectives

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.

Establishment of Office

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.

Functions of Office

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. Com-  
position of  
Office

(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.

(4) The members of the Panel annually on rotational basis elect from among themselves a Chairperson.

(5) A person shall be qualified to serve as a member of the Panel if that person—

- (a) is a citizen of a Partner State;
- (b) has made outstanding contribution to the cause of peace, security and development in the Community or in the Partner State or internationally;
- (c) does not hold an office of emolument in an organ or institution of the Community;
- (d) does not hold an elective post and is not engaged in active politics in a Partner State; or
- (e) has an interest and proven experience in the affairs of the Community.

Vacation of  
office

7. (1) The office of a member of the Panel shall fall vacant upon—

- (a) resignation in writing by the member, to the Council;
- (b) death of the member; or
- (c) removal of the member from office by the Summit upon written recommendation of the Council.

(2) A member shall only be removed from office on any of the following grounds—

- (a) inability to perform the functions of his or her office due to the infirmity of body or mind; or
- (b) misconduct.

8. (1) The Panel shall meet at least once a year and at such other times as the Office deems necessary. Meetings of Office

(2) The quorum at any meeting of the Panel shall be two thirds of the members.

(3) Decisions of the Panel on all matters shall be by consensus.

(4) Where consensus cannot be obtained, the question proposed for decision shall be directed to the Summit through the Council for final decision.

(5) The Panel shall establish its own rules of procedures for the conduct of its business.

9. (1) A member of the Panel or any person attending any meeting of the Panel shall be paid such remuneration or allowances as the Council may determine. Remuneration of members

(2) The terms and conditions of service of a member of the Panel shall not be varied to the disadvantage of the member.

10. (1) There is established a Directorate which shall be within the Secretariat. Directorate

(2) The Directorate shall be responsible for the day to day operations of the Panel.

(3) The Directorate shall be the executive organ of the Office and shall be responsible for the implementation of the functions of the Panel.

(4) The Directorate shall have such departments as the Council may determine.

(5) The Council shall upon recommendation of the Secretary General appoint a Director who shall be the chief executive officer of the Directorate.

(6) The Director shall hold office for a term of five years and be eligible for re-appointment for one further term;

(7) The Directorate shall have such other officers and employees as the Council may, on the recommendation of the Secretary General determine.

(8) The officers and employees of the Office shall hold office on the terms and conditions of the staff of the Community.

Annual  
report

**11.** The Panel shall submit its annual reports to the Council through the Secretary General.

Budget of  
Office

**12.** The budget for the Office for each financial year shall be prepared by the Secretary General for consideration by the Council and approval by the Assembly.

Audit of  
accounts

**13.** (1) The Secretary General shall on an annual basis cause to be prepared financial statements of the Office.

(2) The financial statements of the Office shall be audited by the Audit Commission in accordance with the Treaty.

(3) The Audit Commission shall submit the report of its audits made under subsection (2) to the Council, which shall cause them to be laid before the Assembly within six months.

Immunities  
and  
privileges

**14.** (1) A person in the service of the Office shall be immune—

(a) from legal process in respect of words spoken or written or acts performed by him or her in the course of duty while in service and after service of the Office;

(b) together with his or her spouse and members of his or her family forming part of the household, from immigration restrictions, alien registration and from national service obligations.

15. (1) The members of the Panel and staff of the Directorate shall protect confidential information, data and materials of a similar nature from disclosure to third parties. Non disclosure and use of information

(2) The members and staff of the Office shall maintain confidentiality of the information of the Office and shall not copy, publish, or disclose such information to third parties without authorisation from the Council.

16. The Council may make Regulations for the better carrying into effect the provisions of this Act. Regulations