



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

**RESOLUTION OF THE ASSEMBLY URGING THE SUMMIT TO DELEGATE
ITS POWERS AND FUNCTIONS UNDER ARTICLE 9 (2) TO THE COUNCIL
OF MINISTERS TO RESTRUCTURE AND ALLOCATE RESPONSIBILITIES
TO INDIVIDUAL MEMBERS OF THE COUNCIL ON SUCH TERMS AND
CONDITIONS AS THE COUNCIL MAY DEEM FIT**

**By: Hon. Sarah Bonaya and adopted By Assembly on Thursday,
May 28, 2009**

WHEREAS in Article 6 of the Treaty establishing the East African Community provides that good governance and adherence to the Principle of Accountability shall be one of the fundamental principles of the Community;

AND WHEREAS under Article 7 (2) the Partner States undertook to abide by the principles of good governance;

NOTING that Article 9 of the Treaty establishing the East African Community establishes organs of the Community and empowers each of the organs to perform the functions conferred upon it by the Treaty;

COGNIZANT of the fact that under Article 9 (2) of the Treaty the Summit is mandated to establish such bodies departments and services as institutions of the Community;

AWARE that Article 11 (5) of the Treaty, the Summit may delegate any of its functions to the Council of Ministers;

FURTHER AWARE that this Assembly enacted the Summit (Delegation of Powers and Functions) Act 2008 which stipulates the procedure through which the Summit can delegate its powers, to the Council of Ministers;

NOTING that Chapters 11 – 26 of the Treaty provide the areas in which the Partner States presently cooperate in order to promote the achievement of the objective of the Community set out in Article 5 and in furtherance of Article 2 of the Treaty;

FURTHER NOTING that the areas of cooperation constitute a wide range of activities touching on the day to day activities and welfare of the East Africans;

AWARE that these wide range of activities can be classified in six areas of:

- a) Trade Investment, private sector, movement of persons and labour, monetary and financial cooperation;
- b) Cooperation in infrastructure, investment, industrial development and quality assurance;
- c) Agriculture, food security, environment, natural resources and tourism;
- d) Science, Technology, Health, Social and Gender in Development;
- e) Cooperation in political, regional, international relations as well as legal and judicial affairs; *and*
- f) Finance and Administration within the EAC organs.

CONCERNED that under the present arrangement this wide range of areas of cooperation is all heaped on the Chairperson of Council of Ministers to oversee;

FURTHER CONCERNED that the heavy load on the Chairperson Council of Ministers who is not even resident at the Seat of the Community in Arusha leads to slow progress of the integration process;

CONFIDENT of the capabilities and capacity of each Member of Council to discharge any functions that may be assigned to him or her;

CONVINCED that for the efficient and timely dispatch of the affairs of the Community it is expedient to allocate the functions to each Minister;

FURTHER CONVINCED that the technical arm of the Community being the Secretariat requires guidance in order to meet the challenges it constantly encounters;

NOW THEREFORE this Assembly mindful of its obligations to the people of East Africa;

- a) do resolve to urge the Summit of the EAC Heads of State to delegate its powers and functions under Article 9 (2) of the Treaty to the Council of Ministers to restructure and allocate responsibilities to individual Members of the Council on such terms and conditions as it may deem fit;
- b) do urge the Chairperson of the Council of Ministers to bring this to the attention of the Summit at its November 2009 Sitting; and
- c) do urge the Chairperson of the Council to report to the Assembly at its first Meeting after the Summit Meeting the progress in the implementation of this resolution.

CERTIFIED BY:



**ALEX OBATRE
SENIOR CLERK ASSISTANT**

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