

East African Community, African Regional Bodies

Protocol on the Establishment of the East African Kiswahili Commission (EAKC)

Legislation as at 18 April 2007

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East African Community

Protocol on the Establishment of the East African Kiswahili Commission (EAKC)

Not commenced

[This is the version of this document at 18 April 2007.]

PREAMBLE

WHEREAS The United Republic of Tanzania, the Republic of Kenya, and the Republic of Uganda enjoy close regional, educational, scientific, technological, social, economic, cultural and linguistic ties for their mutual benefit;

AND WHEREAS between 1930 and 1964 there existed an Inter-territorial Language Committee whose central aim was to promote the standardization and development of Kiswahili;

AND WHEREAS the Committee rotated its seat between Dar es Salaam (1930-1942); Nairobi (1942-1952); Makerere (1952-1961) and Dar es Salaam (1962-64);

AND WHEREAS in 1964 the Committee was incorporated into the Institute of Kiswahili Research, University College of Dar es Salaam;

AND RECOGNISING that not withstanding the incorporation of the said Committee and the breakup in 1977 of the East African Community, the educational and language bodies in the said countries, having regard to the interest of and the desire to cooperate, continued to informally interact and formally seek mechanisms to re-establish a framework for formal cooperation;

AND RECOGNISING that the revival of the Community through the signing of the Treaty for the establishment of the East African Community in 1999 presents the Partner States with an opportunity and a framework for realizing the interest and the desire to cooperate in the cultural and linguistic fields;

FURTHER RECOGNISING that Article 137 of the Treaty for the establishment of the East African Community provides that Kiswahili shall be developed as the *lingua franca* of the Community;

NOW THEREFORE, in recognition of the fundamental importance of collaboration in Kiswahili for political, economic, social, educational, cultural, and technological development, as a *lingua franca* of the East African Community, the Partner States have agreed to establish the East African Kiswahili Commission as an institution of the Community hereinafter referred to as "the Commission".

AGREE AS FOLLOWS:

Article 1 – Definitions

1. Unless the context requires otherwise, the terms used in this Protocol shall have the same meaning as ascribed to them in the Treaty for the Establishment of the East African Community;

2. Without prejudice to the generality of paragraph 1 of this Article:

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

"**Commission**" means the East African Kiswahili Commission as established by Article 4 of this Protocol;

"**Council**" means the Council of Ministers of the Community established by Article 9 of the Treaty;

"**Executive Secretary**" means the Executive Secretary provided for under Article 14 of this Protocol;

"**Financial Year**" means the financial year referred to under under Article 132 of the Treaty;

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"**Kiswahili Associations**" means Chama cha Kiswahili cha Taifa cha Kenya (CHAKITA); Chama cha Kiswahili cha Afrika Mashariki (CHAKAMA), Chama cha Kiswahili cha Afrika (CHAKA), Chama cha Usanifu wa Kiswahili na Ushairi cha Tanzania (UKUTA) and Chama cha Maendeleo ya Kiswahili cha Uganda (CHAMAKIU);

"**Minister**" means the Minister of a Partner State responsible for matters relating to Kiswahili;

"**National Kiswahili Council**" means Baraza la Kiswahili la Taifa, Tanzania (BAKITA), Baraza la Kiswahili la Zanzibar (BAKIZA), Baraza la Kiswahili la Kenya (BAKIKE) and Baraza la Kiswahili la Uganda (BAKIU);

"**Partner States**" means The United Republic of Tanzania, the Republic of Kenya and the Republic of Uganda 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;

"**Treaty**" means the Treaty establishing of the East African Community and any annexes and protocols thereto.

Article 2 – Purpose of the Protocol

This Protocol shall govern the co-operation of the Partner States in the establishment of the East African Kiswahili Commission.

Article 3 – Objective of the Protocol

The objective of this Protocol is to establish the East African Kiswahili Commission as a tool for providing advice to the Partner States on all matters related to Kiswahili research, teaching, learning and development through policy formulation, knowledge generation, curriculum review, standardization of terminology, and promotion of Kiswahili as the *lingua franca* of the Partner States.

Article 4 – Establishment of the Commission

The Council hereby establishes the East African Kiswahili Commission which shall be responsible for the coordination of Kiswahili matters within the Partner States for political, economic, social, cultural, educational, scientific and technological development.

Article 5 – Vision of the Commission

The vision of the Commission is to be the leading body in the promotion and coordination of the development and usage of Kiswahili for regional unity and sustainable socio-economic development in Partner States.

Article 6 – Mission of the Commission

The mission of the Commission is to ensure the development of Kiswahili for regional and international interaction for political, economic, social, cultural, educational, scientific and technological development of the Partner States.

Article 7 – Objectives and functions of the Commission

1. The objective of the Commission shall be—
 - a) to enhance political, economic and social unity within the East African Community;
 - (b) encourage and develop mutually beneficial collaboration between Member Kiswahili Councils and between them and Governments of partner States and other organizations, both public and private.

- (c) help members to contribute to—
 - (i) meeting local, national and regional development needs;
 - (ii) the resolution of issues in every appropriate sector of Kiswahili usage in the Community; and
 - (iii) the development of human resource capacity in Kiswahili in the Community and beyond;
- (d) support and facilitate institutions involved in Kiswahili research, training and promotion.

2. Specifically, the Commission shall—

- (a) strengthen national, regional and international communication through the use of Kiswahili in the Community and beyond;
- (b) develop Kiswahili as a regional language expressing and conveying positive African values with respect to issues of gender equity, human rights and democracy;
- (c) initiate, assist, and encourage the development of Kiswahili;
- (d) encourage collaboration in regional research and assist the Partner States develop centers of advanced study and research in Kiswahili;
- (e) assist Partner States to offer quality education for the production of Kiswahili teachers and communicators in all sectors of society;
- (f) promote curriculum reform to equip citizens with the Kiswahili literary and linguistic skills and knowledge which meet the needs of the Community and conform to the development plans of the Community;
- (g) develop quality assurance processes, through harmonization of Kiswahili education programmes, curricula and certification, in order to ensure that teaching and research in Kiswahili achieve and maintain acceptable standards;
- (h) assist members of the Commission with their respective personnel development and the management of Kiswahili institutions;
- (i) assist members of the Commission to identify and implement good practices in the management of Kiswahili institutions and the use of resources;
- (j) assist Partner States keep abreast of new developments in Kiswahili;
- (k) assist governments and other appropriate bodies and authorities with the development of strategies for adequate investment in the promotion of Kiswahili in the Community and beyond;
- (l) assist Partner States with special needs in Kiswahili in the development of Kiswahili in their countries;
- (m) encourage the exchange of staff and students among Kiswahili institutions;
- (n) promote through relevant activities in the Partner States the meaning and value of the Community unity;
- (o) survey, monitor, harmonize and encourage the development of Kiswahili for information, communication and technological functions and usage;
- (p) facilitate, coordinate and harmonize translations into and out of Kiswahili for the Partner States and other agencies; and
- (q) undertake such other activities meant to further the Commission's objectives as may from time to time be decided.

Article 8 – Functions of the Commission

1. The Commission shall be the principal advisory institution of the Community on all matters related to Kiswahili.
2. In addition to paragraph (1), the Commission shall—
 - (a) coordinate and oversee the work of the National Kiswahili Councils and other member institutions;
 - (b) strengthen collaboration in regional research and assist the Partner States develop centers of advanced study and research in Kiswahili;
 - (c) create and develop collaborative relations with development partners and existing organizations with similar objectives;
 - (d) facilitate the development of regional Kiswahili policies for the exchange of staff and students in Kiswahili institutions and monitor the effectiveness of such policies;
 - (e) identify Kiswahili training needs including curriculum review, teaching methods, development of instructional materials, and research;
 - (f) advocate for the use of Kiswahili as a *lingua franca* within the Community and beyond;
 - (g) encourage the use of Kiswahili in the conduct of official business and public life within the Community; and
 - (h) perform any other function for the furtherance of the objectives of the Commission as may be directed by the Council.

Article 9 – Composition of the Commission

1. The Commission shall be composed of the following or their representatives—
 - (a) two representatives of the National Kiswahili Councils for each Partner State;
 - (b) two representatives of the Kiswahili Associations for each Partner State;
 - (c) a representative of Kiswahili Research Institutions for each Partner State;
 - (d) a representative of the Kiswahili Departments of public and private universities for each Partner State;
 - (e) a representative of the Kiswahili media operators for each Partner State;
 - (f) a representative of the Media Council of each Partner State;
 - (g) a representative of the Kiswahili Writers Association of each Partner State;
 - (h) a representative of the Ministry responsible for Kiswahili of each Partner State;
 - (i) a representative of the Ministry responsible for culture of each Partner State;
 - (j) a representative of the Ministry responsible for education of each Partner State.
2. The Commission may co-opt any person to attend the meetings of the Commission.

Article 10 – Organizational structure

1. The Commission shall be an institution of the Community as provided for under Article 9 of the Treaty and shall operate within the existing structure of the Sectoral Council responsible for Kiswahili.

2. The organizational structure referred to in paragraph (1) is as follows—

- (a) the Sectoral Council;
- (b) the Coordination Committee;
- (c) the Sectoral Committee;
- (d) the East African Kiswahili Commission;
- (e) the Secretariat of the Commission.

Article 11 – The Sectoral Council

The Sectoral Council shall in relation to this Protocol perform the following functions—

- (a) provide overall policy directions and guidance to the Commission in the formulation and implementation of Kiswahili activities within the Partner States;
- (b) facilitate the Commission in order to fulfill its mandate of developing Kiswahili within the Partner States;
- (c) make regulations, issue directives, make decisions and recommendations and give opinions in accordance with the provisions of this Protocol;
- (d) consider and approve the budget and work programmes of the Commission;
- (e) consider and approve measures to be undertaken by the Partner States in order to promote the attainment of the objectives of this Protocol;
- (f) perform such other functions as may be directed by the Council.

Article 12 – Co-ordination Committee

The Co-ordination Committee shall in relation to this Protocol perform the following functions—

- (a) submit reports and recommendations to the Sectoral Council on the implementation of this Protocol;
- (b) implement the decisions of the Sectoral Council as it may be directed from time to time;
- (c) receive and consider reports of the Sectoral Committee;
- (d) assign any Sectoral Committee to deal with any matter relevant to the Commission; and
- (e) perform such other functions as may be conferred upon it by the Sectoral Council.

Article 13 – Functions of the Sectoral Committee

The Sectoral Committee shall in relation to this Protocol perform the following functions—

- (a) be responsible for the preparation of comprehensive implementation of programmes and the setting out of priorities for the Commission;
- (b) monitor and keep under constant review the implementation of the programmes undertaken by the Commission;
- (c) submit from time to time, reports and recommendations of various technical working groups of the Commission and National Kiswahili Councils in the Partner States; and
- (d) perform such other functions as may be conferred on it by the Co-ordinating Committee.

Article 14 – The Secretariat of the Commission

1. There shall be established a Secretariat of the Commission consisting of the Executive Secretary, two Deputy Executive Secretaries and such other officers and staff as the Council may determine.
2. The headquarters of the Commission shall be determined by the Council.

Article 15 – Functions of the Secretariat

1. The functions of the Secretariat shall be to—
 - (a) develop a comprehensive electronic network linking members of the Commission for use in supporting and promoting new methods of research, teaching, learning and usage of Kiswahili as well as information dissemination;
 - (b) promote the development and usage of Kiswahili throughout the Community;
 - (c) establish a database of Kiswahili research, literature, linguistics, publications, and other Kiswahili activities in the Community;
 - (d) ensure the establishment of quality assurance through promotion, modernization and harmonization of Kiswahili language education programmes and curricula in the Community;
 - (e) standardize, harmonize and disseminate Kiswahili terminology so as to minimize differences in communication within the Community;
 - (f) promote Kiswahili literature by encouraging creative writing in the Community;
 - (g) cooperate with Kiswahili learning and teaching institutions around the world in the development, modernization and promotion of Kiswahili;
 - (h) initiate and coordinate research relating to Kiswahili;
 - (i) facilitate publication and dissemination of Kiswahili materials in all contemporary media;
 - (j) publish journals of the Commission;
 - (k) organize meetings, conferences and workshops;
 - (l) working with the Community, solicit for funds from local and international sources for strengthening of its activities.
2. In coordinating the national and regional programmes, East African Kiswahili Commission shall involve, as appropriate, other parties and relevant intergovernmental and non-governmental organisations in the implementation of this protocol.

Article 16 – Executive Secretary

1. There shall be an Executive Secretary who shall be appointed by the Council.
2. The Executive Secretary shall—
 - (a) be the chief executive officer of the Commission;
 - (b) implement the work of the Commission in accordance with the policy and decisions of the Sectoral Council;
 - (c) submit reports on the work of the Commission as well as the audited accounts to the Sectoral Council;

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- (d) be the accounting officer of the Commission;
 - (e) carry out such other functions as are conferred by this Protocol or as may be directed by the Sectoral Council from time to time;
 - (f) be the Secretary to the Commission;
 - (g) perform such other functions as the Commission may direct.
3. The Executive Secretary shall serve for a period of five years, which may be renewed only once.
 4. The post of Executive Secretary shall be held on a rotational basis among Partner States.

Article 17 – Deputy Executive Secretaries

1. The Executive Secretary shall be assisted by two Deputy Executive Secretaries appointed by the Council and shall serve on a three year term which shall be renewed once.
2. The two Deputy Executive Secretaries shall be of nationalities different from that of the Executive Secretary, and the posts shall be held on a rotational basis.

Article 18 – Other officers and staff of the Commission

1. There shall be such other officers and staff in the service of the Commission as may be determined by the Sectoral Council.
2. All officers and staff of the Commission shall be appointed on contract and in accordance with staff rules, regulations, terms and conditions of service of the Community.
3. The terms and conditions of Service of the Commission shall be determined by the Sectoral Council.

Article 19 – Funding of the Commission

The sources of funds for the Commission shall be from the budget of the Community and shall include stakeholders' contributions, contributions from development partners and such other sources as shall be established by the Commission.

Article 20 – Co-operation with development partners

The Partner States may establish partnership agreements with development partners to promote the activities of the Commission on the agreed objectives and guiding principles.

Article 21 – Dispute settlement

1. In the event of a dispute between Partner States concerning the interpretation or application of this Protocol, the Partner States concerned shall resolve the matter amicably.
2. If the Partner States do not resolve the dispute amicably, either Partner State 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 under this Protocol shall be final.

Article 22 – Relationship between this Protocol and the Treaty

This Protocol shall upon entry into force be an integral part of the Treaty and in case of an inconsistency between this Protocol and the Treaty, the Treaty shall prevail.

Article 23 – Relationship of the Protocol with other agreements on Kiswahili

The provisions of this Protocol shall take precedence over any existing agreements relating to Kiswahili and where any agreement is inconsistent with this Protocol, the agreement shall be null and void to the extent of its inconsistency.

Article 24 – Status, privileges and immunities

The Partner States shall grant the Commission the status, privileges and immunities pertaining to the Community in accordance with Article 151 of the Treaty.

Article 25 – Dissolution

On dissolution of the Commission all rights, assets, properties and liabilities of the Commission shall vest with the Secretary General.

Article 26 – Accession

1. A state which becomes a party to the Treaty, shall become a party to this Protocol by depositing an instrument of accession to the Protocol with the Secretary General.
2. On accession, the Protocol shall enter into force thirty days after the date of the deposit of the instrument of accession.

Article 27 – Amendment of this Protocol

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

Article 28 – Entry into force

This Protocol shall enter into force upon ratification and deposit of instruments of ratification with the Secretary General by all Partner States, and the publication of the same in the Community *Gazette*.

IN WITNESS WHEREOF the undersigned have appended their signatures hereto this 18th day of April in the year Two Thousand and Seven.