

East African Community, African Regional Bodies

Protocol on the Establishment of the East African Science and Technology Commission

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East African Community

Protocol on the Establishment of the East African Science and Technology Commission

Not commenced

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

PREAMBLE

WHEREAS the Republic of Kenya, the Republic of Uganda and The United Republic of Tanzania, and have enjoyed and continue to enjoy close educational, scientific, technological, social and economic, cultural and other ties for their mutual benefit;

AND WHEREAS until 1977 during the existence of the former East African Community, cooperation in scientific, technological and related fields was facilitated by the East African Common Services Organization Agreements and the Treaty for East African Cooperation;

AND WHEREAS during the existence of the East African Common Services Organization and the former East African Community the said countries benefited from certain services that were administered under the East African Social Services Council through Sectoral Committees;

AND WHEREAS notwithstanding the breakup in 1977 of the former East African Community, the scientific and technological institutions in the said countries, having regard to the interest of the desire to cooperate, continued to informally cooperate and formally seek mechanisms to reestablish a framework for formal cooperation;

AND WHEREAS the revival of the East African Community presents the said countries an opportunity and a framework for accomplishing the interest and the desire to cooperate in the scientific and technological fields;

NOW THEREFORE, in recognition of the fundamental importance of collaboration in Science and Technology for Economic Development, as stated in Article 103 of the Treaty for the Establishment of the East African Community, the Partner States have agreed to establish The East African Science and Technology Commission (EASTEKO) hereinafter referred to as "the Commission".

Article 1 – Interpretation

1. Unless the context otherwise requires, 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. In this Protocol, except where the context otherwise requires:—
 - "**Commission**" means the Commission established under Article 3 of this Protocol.
 - "**Community**" means the East African Community establishment under Article 2 for the Establishment of the East African Community;
 - "**Council**" means the Council of Ministers of the Community established under 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 parties to the Treaty;
 - "**Secretary General**" means the Secretary-General of the Community;
 - "**Sectoral Council**" means the Sectoral Council responsible for Science and Technology.

"Treaty" means the Treaty Establishing the East African Community.

Article 2 – Application and scope

This Protocol shall govern the Partner States cooperation in the development and implementation of science and technology.

Article 3 – Establishment of the East African Science and Technology Commission

The Partner States hereby establish the East African Science and Technology Commission, hereinafter referred to as "the Commission".

Article 4 – Legal status

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

Article 5 – Objectives

The objectives of the Commission shall be to promote 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) the joint development and application of Science and Technology for the Community;
- (c) cooperation in the joint research and development in science and technology;
- (d) the joint mobilization, utilization, management and development of resources, both material and human, for the development of science and technology in the Community;
- (e) the development, adoption and utilisation of information and communication technology, as well as the adoption of new and emerging technologies;
- (f) promote scientific and technological innovation and invention within the Partner States; and
- (g) cooperation with organisations with similar objective.

Article 6 – Functions of the Commission

1. To achieve the objectives of this Protocol, 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 matters integral and incidental thereto.
2. Without prejudice to the provisions of paragraph (1), the functions of the Commission are to:
 - (a) formulate the policies of Commission;
 - (b) approve the general framework for the programs 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; determine priorities for regional collaborative research;
- (h) formulate policies that shall safeguard the region from hazards that might result from research activities and application of science and technology;
- (i) monitor and evaluate the implementation of agreed regional science and technology policies;
- (j) establish think tanks that shall evaluate trends and forecast in science and technology and give recommendations to Partner States;
- (k) develop mechanisms for the identification, promotion and growth of special talents in science and technology, with particular emphasis on the youth and gender parity;
- (l) promote the use and development of indigenous knowledge and technology;
- (m) facilitate the dissemination and internalisation of new and emerging technology;
- (n) promote and coordinate the public and private sector partnership in the development and application of science and technology
- (o) promote the development of regional research centres of excellence;
- (p) promote the inculcation of a science and technology culture in the Partner States;
- (q) establish and coordinate the implementation of common ethical guidelines for research and its application in the community;
- (r) promote the exchange and utilisation of scientific information;
- (s) support the dissemination of research and development findings in the Partner States;
- (t) enhance collaboration in the training of personnel for various scientific and technological disciplines; and
- (u) perform any other function of the furtherance of the objectives of the Commission as may from time to time be directed by the Council.

Article 7 – Composition of the Commission

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.

Article 8 – The Governing Board

1. The Governing Board shall comprise the following:
 - (a) one representative of science and technology councils or commission of each Partner State;
 - (b) one representative of ministries responsible for science and technology in each Partner State;

- (c) the Secretary-General of the East African Community 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 for all private universities in each Partner State nominated by the respective associations;
 - (g) one representative for all private universities in each Partner State nominated by the respective associations;
- [Please note: similar content in (f) and (g) as in original.]*
- (h) one representative of the civil society from each Partner State nominated by national science and technology councils or commission 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 paragraph I, the Governing Board shall, in accordance with its Rules and Regulations, have the right to co-opt any additional member or member as the need arises.
 4. Institutions provided for under paragraph (1) (a), (b), (c) and (d) shall be permanently represented in the Governing Board.
 5. Representatives of the organizations provided for under paragraph (1)(e), (f), (g) (h) and (i) shall hold office for a term of three years from the date of appointment, and shall hold office for a term of three years from the date of appointment and shall be replaced or reappointed by their respective organizations.

Article 9 – Meetings of the Governing Board

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 or on the request of at least half of the members of the Commission.
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 representatives 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.

Article 10 – Secretariat of the Commission

1. There shall be a Secretariat of the Commission headed by 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 Protocol

- (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 for promoting the use of indigenous knowledge;
- (h) conduct needs assessment in science and technology; and
- (i) evaluate and harmonise research ethics guidelines;

Article 11 – Executive Secretary

1. The Executive Secretary shall be the Chief Executive Officer of the Commission.
2. The Executive Secretary shall:
 - (a) implement the work of 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 shall 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 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.

Article 12 – Other staff of the Commission

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 staff rules, regulations terms and conditions of the Community.

Article 13 – Specialised technical committees of the Commission

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

Article 14 – Relationship between the Commission and the Council

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.
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 Protocol.

Article 15 – Cooperation with development partners

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

Article 16 – Financial provisions

1. The sources of funds for the Commission shall be from the East Africa Community budget, stakeholders' contributions, development partners and such other sources as shall be established by the Council.
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 for the Commission.
4. The Commission shall keep proper books of account of all its income and expenditure and proper records in relation to them.
5. (a) 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.
(b) 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.
6. The budget and accounts of the Commission shall be kept and maintained in United States Dollars.
7. The financial year of the Commission shall run from 1st July to 30th June.

Article 17 – Headquarters of the Commission

Headquarters of the Commission shall be located in such Partner State as the Council may determine.

Article 18 – Status, privileges and immunities

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

Article 19 – Regulations

1. The Council may make regulations to give effect to the provisions of this Protocol.

Article 20 – Dispute settlement

1. In the event of a dispute between 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.
2. Where the Partner States or the Commission fails 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 Protocol shall be final.

Article 21 – Entry into force, duration and withdrawal

1. This Protocol shall enter into force upon ratification and deposit of instruments of ratification with the Secretary General by all the Partner States.
2. Any Party that has withdrawn from the Treaty shall be deemed to have withdrawn from the Protocol. The withdrawal shall take effect one year after the date of the receipt by the Secretary General of the formal notification of intention to withdraw from the Treaty. The withdrawal shall be without prejudice to any obligation incurred by the withdrawing Party under this Protocol prior to such withdrawal. This Protocol shall continue to be in force thereafter with respect to the other Parties.
3. The provisions of the Treaty relating to the rights and obligations of a member who has been suspended or expelled from the Community shall apply to the Protocol.

Article 22 – Accession

1. A State, which becomes a party to the Treaty, may become a party to this Protocol by depositing an instrument of accession to the Protocol with the Depositary.
2. In cases of accession, the Protocol shall enter into force for the party acceding, thirty days after the date of the deposit of the instrument of accession.

Article 23 – Dissolution

1. Subject to the provisions of the Treaty the Commission may be dissolved by the Summit.
2. On dissolution the rights, assets and liabilities of the Commission shall revert to the Community.

Article 24 – Amendment of the Protocol

1. This Protocol may be amended by the agreement of the Partner States.
2. Any Partner State or the Governing Board may submit proposals for the amendment of this Protocol for consideration by the Council.
3. Any proposals for amendment shall be submitted in writing to the Secretary General who shall, within thirty (30) days of its receipt, communicate the proposed amendment to the Partner States.
4. The Partner States which wish to comment on the proposal shall do so within ninety (90) days from the date of dispatch of the proposal by the Secretary General.

5. After expiration of the period prescribed under paragraph 4 of this Article, the Secretary General shall convene the Council to consider the proposals and any comments thereon received from the Partner States. The recommendations of the Council shall be submitted to the Summit.
6. Any amendment to this Protocol shall be valid only when adopted by the Summit and shall enter into force when ratified by all the Partner States.

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