

East African Community, African Regional Bodies

East African Community Protocol on Foreign Policy Coordination

Legislation as at 3 December 2010

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East African Community

East African Community Protocol on Foreign Policy Coordination

Not commenced

[This is the version of this document at 3 December 2010.]

PREAMBLE

WHEREAS the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda signed the Treaty Establishing the East African Community on the 30th day of November 1999;

AND WHEREAS the Republic of Burundi and the Republic of Rwanda Acceded to the Treaty on the 1st day of July 2007;

AND WHEREAS under the provisions of paragraph 1 of Article 151 of the Treaty, the Partner States undertook to conclude such Protocols as may be necessary in each area of Cooperation which shall spell out the objectives and scope of, and institutional mechanisms for cooperation and integration;

AWARE THAT the provisions of sub paragraph (h) of paragraph 1 of Article 142 of the Treaty saved the Memorandum of Understanding on Foreign Policy Coordination between the Partner States signed on 22nd January 1999;

RECOGNISING the provisions of Articles 5, 6 and 123 of the Treaty;

RE-AFFIRMING the purposes and principles of the Charter of the United Nations, the Constitutive Act of the African Union and the desire to live in peace with all peoples and governments;

AWARE that foreign policy coordination is a critical factor in creating a conducive environment for regional cooperation and integration;

CONSCIOUS of the fact that close co-operation, mutual understanding and collaboration in matters of foreign policy coordination will be to the mutual benefit of the Partner States;

DETERMINED to establish a functional structure for effective implementation of decisions taken by the Partner States in areas of foreign policy coordination;

DESIROUS of jointly promoting the East African cooperation and ensuring harmonisation and coordination of the foreign policies of the Partner States abroad;

THE EAST AFRICAN COMMUNITY PARTNER STATES AGREE as follows:—

Article 1 – Interpretation

For purposes of this Protocol, the expressions hereunder shall have the following meanings—

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

"**consulate**" means a consular post established in accordance with the Vienna Convention on Consular Relations, 1963;

"**consular services**" refers to consular functions as contained in the Vienna Convention on Consular Relations, 1963;

"**Council**" means the Council of Ministers of the East African Community;

"**Diplomatic Mission**" means the office of the representative of a Partner State in a foreign country and which enjoys extraterritorial status;

"**foreign policy coordination**" means the pursuit of strategic objectives and options of the Partner States in relating with foreign countries, regions and international organisations;

"**Partner States**" means the Partner States of the East African Community;

"**Treaty**" means the Treaty establishing the East African Community.

Article 2 – Scope of cooperation

The Partner States undertake to co-operate in foreign policy co-ordination and to promote and articulate Community policies and strategies for the purposes of—

- (a) collaboration in diplomatic and consular matters;
- (b) collaboration in multilateral diplomacy;
- (c) collaboration in economic and social activities; and
- (d) collaboration in capacity building.

Article 3 – Principles

1. The Partner States shall cooperate and coordinate in matters of foreign policy in accordance with Articles 5, 6, 1, 123, 124 and 125 of the Treaty.
2. Without prejudice to paragraph 1, the Partner States undertake to observe, among others, the following principles of foreign policy—
 - (a) promotion of mutual national interests and economic well-being of the peoples of the Partner States;
 - (b) defence of justice, human rights, equality, good governance, the rule of law and democracy;
 - (c) mutual respect, sovereignty and the territorial integrity of the Partner States;
 - (d) promotion of peaceful co-existence and good neighbourliness, regional cooperation and integration;
 - (e) promotion of regional peace and security;
 - (f) promotion of tourism, investment and building of international partnerships; and
 - (g) respect for international law.

Article 4 – Objectives

1. The objectives of this Protocol are to—
 - (a) promote development and harmonization of policies and strategies to support foreign policy co-ordination;
 - (b) safeguard the common values and interests of the Community;
 - (c) develop and promote the consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms within the Community and with foreign countries;
 - (d) preserve peace and strengthen security among the Partner States and with foreign countries;
 - (e) provide operational mechanisms within which to fully effect the coordination of the foreign policies of the Partner States;
 - (f) strengthen co-operation in order to promote and market the Community abroad;

- (g) promote the participation of the peoples of the Partner States in the diaspora in the development of the Community; and
- (h) enhance cooperation in the fight against international crimes.

Article 5 – Collaboration in diplomatic and consular matters

1. The Partner States shall collaborate in diplomatic and consular matters through their diplomatic missions abroad.
2. For the purposes of paragraph 1 the Partner States shall collaborate in the following areas—
 - (a) the holding of regular joint briefings and presentations;
 - (b) mobilising support for Community projects;
 - (c) coordination of programmes for Community delegations abroad; and
 - (d) provision of visa and consular services on behalf of the Partner States that do not have diplomatic missions or consulates in a foreign country.
3. For the purposes of paragraph 2(b) and (c), the Partner States shall involve their diplomatic missions in the development and follow-up of Community programmes.
4. The Partner States undertake to develop a framework for the implementation of paragraph 2 (d).

Article 6 – Collaboration in multilateral diplomacy

1. The Partner States undertake to collaborate in multilateral diplomacy, with a view to harmonising their positions at the regional and international fora.
2. For purposes of paragraph 1 the Partner States undertake to harmonise their positions in matters pertaining, *inter alia*, to—
 - (a) the regional economic communities of the African Union, regional integration institutions and other organisations under the Abuja Treaty
 - (b) for the Establishment of the African Economic Community and the Constitutive Act of the African Union;
 - (c) the Non-Aligned Movement, the Group of 77, the African Caribbean and Pacific countries and the Commonwealth Group of Nations;
 - (d) collaboration with other regional blocs such as North America Free Trade Area, the European Union and the Association of South East Asia Nations; and
 - (e) meetings of international organizations such as the United Nations, the World Bank, International Monetary Fund and other agencies of the United Nations, the World Trade Organization, and other fora in which the Partner States have an interest.
3. The Partner States agree to jointly present and support candidates and candidatures for competitive positions in international organisations.
4. For the purposes of paragraph 3 the Partner States shall—
 - (a) consult each other before presentation of candidates to international organisations for vacancies that are zoned or political in nature;
 - (b) avoid competition between and among themselves for international posts or vacancies that are zoned or political in nature;

- (c) handle the matter of candidates and candidatures through the diplomatic channels and through the mechanism established by the Community on candidatures for international jobs;
- (d) jointly mobilise support at the regional and international levels in respect of the candidates and candidatures agreed upon by the Partner States; and
- (e) harmonise the positions of Partner States in respect of the candidates and candidatures of foreign countries and regions that seek support.

Article 7 – Collaboration in economic and social activities

1. The Partner States shall collaborate in promotional activities of the Community in foreign countries and regions.
2. For the purposes of paragraph 1 the Partner States shall collaborate in the following fields—
 - (a) trade;
 - (b) investment;
 - (c) tourism;
 - (d) culture;
 - (e) education;
 - (f) science and technology;
 - (g) health;
 - (h) agriculture; and
 - (i) environment.
3. The Partner States shall hold joint fairs and fora within and outside the Community for the promotion of activities in the areas mentioned in paragraph 2.

Article 8 – Collaboration in capacity building

1. The Partner States shall collaborate in matters pertaining to capacity building and joint use of training and other facilities including information and communication technology in order to achieve cost efficiency and to maximise the advantages of combined efforts.
2. For the purposes of paragraph 1 the Partner States shall—
 - (a) jointly seek sponsorship for training of personnel of the Community;
 - (b) promote the utilisation of the centres of excellence of the Partner States;
 - (c) support capacity building of the centres of excellence of the Partner States;
 - (d) harmonise the human resource development policies of the Partner States;
 - (e) facilitate and promote exchange programmes for training in different fields; and
 - (f) seek support of development Partners for capacity building for identified training institutions.

Article 9 – Institutional arrangements

The Council shall determine the institutional arrangements necessary for the implementation of this Protocol.

Article 10 – Role of Heads of Diplomatic Missions

1. The Heads of Diplomatic Missions of the Partner States shall collaborate and hold regular joint meetings on matters of common interest to the Community in their respective countries of accreditation.
2. The Heads of Diplomatic Missions of the Partner States shall present joint special reports to the Ministries responsible for Foreign Affairs of the Partner States, on matters which are of common interest to the Community.
3. The Heads of Diplomatic Missions of the Partner States shall prepare joint briefs for delegations to and from the Partner States.

Article 11 – Relationship with foreign countries and organisations

The Partner states shall honour their commitments in respect of other multilateral and international organisations to which they belong.

Article 12 – Amendment of the Protocol

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

Article 13 – Entry into force

This Protocol shall come into force upon ratification and deposit of instruments of ratification with the Secretary General by all the Partner States.

Article 14 – Depository and registration

This Protocol and any instrument of ratification shall be deposited with the EAC Secretary General who shall register the Protocol with the African Union, the United Nations, and such other organisations as the Council may determine.

DONE AT Arusha, Tanzania, this 3rd day of December 2010

IN WITNESS WHEREOF the undersigned have appended their signatures hereto: