

East African Community, African Regional Bodies

East African Community Protocol on Information and Communications Technology Networks

Legislation as at 23 August 2013

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East African Community

East African Community Protocol on Information and Communications Technology Networks

Not commenced

[This is the version of this document at 23 August 2013.]

Preamble

Pursuant to the provisions of articles 89, 99 and 151 of the treaty for the establishment of the East African Community, the provisions for the East African Community protocol on information and communications technology networks are hereby set forth:

WHEREAS:

Under the provisions of Article 5 of the Treaty for the Establishment of the East African Community, the Partner States express their commitment to develop, for their mutual benefit, policies and programmes for widening and deepening cooperation among themselves in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs;

AND WHEREAS

Pursuant to the provisions of Article 89 of the Treaty, the Partner States further undertake to evolve coordinated, harmonized and complimentary transport and communications policies; and to establish, maintain, expand and upgrade communication facilities to enhance interaction between persons and businesses in the Partner States and promote the full exploitation of the market and investment opportunities created by the Community;

AND WHEREAS

By the provisions of Article 99 of the Treaty, the Partner States agree to cooperate to improve and maintain interconnectivity and modernize equipment to meet the common standards required for efficient telecommunications traffic within the Community;

AND WHEREAS

By virtue of the provisions of Article 151 of the Treaty, Partner States have agreed to conclude such Protocols as may be necessary in each area of co-operation which shall spell out the objectives and scope of, and institutional mechanisms for co-operation and integration;

ACKNOWLEDGING that Information and Communication Technologies (ICT) have become a catalyst for economic growth and development,

COGNIZANT of the need to promote and involve the private sector in the deployment of information and communications technology capacities and technologies in the Community;

RECOGNIZING that sufficient Information and communications technology infrastructure promotes universal access and improves the quality and cost of Information and communications technology services, hence social and economic integration through enhanced interaction between persons and businesses;

RECOGNIZING FURTHER the evolving status of information and communications technology infrastructure development in EAC Partner States;

INTENDING to facilitate the establishment and management of information and communications technology networks within the Community;

HEREBY AGREE AS FOLLOWS:

Article 1 – Definitions

In this Protocol, unless the context otherwise requires,

"Community" means the East African Community established by Article 2 of the Treaty; "Council" means the Council of Ministers established by Article 9 of the Treaty;

"Information and Communications Technology" means the convergence of telecommunications, broadcasting, computers, storage and audio-visual systems in order to enable users to create, access, store, transmit and manipulate information;

"Information and communications technology infrastructure" includes a combination of the following—

- (a) terrestrial, submarine and satellite Information and communications technology network equipment;
- (b) Information and communications technology cable installations;
- (c) masts or towers;
- (d) antenna and feeder systems;
- (e) real estate such as sites, buildings and associated site management systems; and
- (f) utilities such as power plants, air plants, distribution frames, racks, or water;

"information and communications technology Networks" means a collection of information and communications technology infrastructure, interconnected by communications channels to allow sharing of information, resources or facilities within the Partner States;

"open access" means competitive access to categories of information and communications technology infrastructure;

"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 into the Community under Article 3 of the Treaty;

"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;

"Treaty" means the Treaty for the establishment of the East African Community and the annexes and protocols thereto.

Article 2 – Objective

The objective of this Protocol is to promote the availability, affordability, and quality of information and communications technology services within the Community.

Article 3 – Scope of cooperation

1. This Protocol shall govern the Partner States cooperation for the establishment, management and application of information and communications technology networks.
2. For the purposes of paragraph 1, the Partner States undertake to cooperate in the establishment and management of Information and communications technology networks.

Article 4 – Establishment and management of information and communications technology networks

1. The Partner States shall cooperate in the establishment, management and sharing of information and communications technology networks in the Community.
2. For the purposes of paragraph 1, the Partner States shall—
 - (a) promote cross-border interconnection and interoperability of networks;
 - (b) facilitate the sharing of information and communications technology infrastructure;
 - (c) coordinate the sharing of spectrum and numbering; and
 - (d) facilitate open access to information and communications technology networks; and
 - (e) promote the deployment of information and communications technology applications and services in the Governments and businesses of the Partner States including e-government, e-commerce, geospatial information systems, and broadcasting.
3. In implementing this Article, the Partner States shall safeguard the safety and health of humans, animals and plants as well as the quality of the environment.

Article 5 – Harmonization of information and communications technology policies, laws and regulations

1. The Partner States undertake to harmonise their information and communications technology policies, laws and programmes to facilitate the achievement of the objectives of this Protocol.
2. The Partner States undertake to provide quality education and training required for strategic leadership, management, research and development and technical skills for information and communications technology networks.
3. The Council shall issue directives for purposes of implementing this Article.

Article 6 – General undertakings

In the implementation of this Protocol, the Partner States undertake to—

- (a) promote the achievement of universal access, especially the linking of islands and land-locked states;
- (b) ensure security and quality of communications;
- (c) facilitate the attainment of public safety, trust, and security in cyberspace; and
- (d) promote partnerships between enterprises, including public private partnerships.

Article 7 – Cooperation with regional and international organizations

The Partner States shall foster cooperation and build partnerships with other countries, and international, regional or global organizations which share the objectives of this Protocol.

Article 8 – Institutional framework

In accordance with the Treaty, the Council shall establish and confer powers and authority upon such institutions as may be necessary for the implementation of this Protocol.

Article 9 – Regulations, directives and decisions

The Council shall from time to time make regulations, issue directives and make decisions as may be necessary for the effective implementation of this Protocol.

Article 10 – Dispute settlement

Any dispute between the Partner States arising from the interpretation or application of this Protocol shall be settled in accordance with the provisions of the Treaty.

Article 11 – Amendment of the Protocol

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

Article 12 – Entry into force

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

Article 13 – Depository and ratification

1. This Protocol and all instruments of ratification shall be deposited with the Secretary General who shall transmit certified true copies of the Protocol and instruments of ratification to all the Partner States; and
2. The Secretary General shall register this Protocol with the African Union, the United Nations and such other organisations as the Council may determine.

IN WITNESS WHEREOF, WE, the undersigned have appended our signatures hereto

DONE AT Kigali, Rwanda this 23rd day of August in the year 2013