

East African Community, African Regional Bodies

Protocol on Peace and Security

Legislation as at 15 February 2013

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East African Community

Protocol on Peace and Security

Not commenced*[This is the version of this document at 15 February 2013.]*

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 accession Treaty on the 1st day of July 2007;

AND WHEREAS in order to promote the achievement of the objectives of the Community set out in the Treaty the Partner States agreed under Article 5 (3)(f) to promote peace, security, and stability within, and good neighborliness among themselves;

AND WHEREAS under Article 124 of the Treaty the Partner States agreed that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community;

AND WHEREAS the Partner States further agreed to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner States with a view to the prevention, better management and resolution of disputes and conflicts between them;

AND WHEREAS under 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, scope of, and the institutional mechanisms for cooperation and integration;

NOW THEREFORE the Partner States;

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

RECOGNIZING the principles for the respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, nonaggression and non-interference in the internal affairs of each Partner State;

AWARE that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

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

DETERMINED to establish a regional mechanism for the effective implementation of decisions made in areas of peace and security, and to consolidate further ties of friendship and fraternity amongst the Partner States;

AGREE as follows:

Article 1 – Interpretation

In this Protocol, except where the context otherwise requires—

"**combined operations**" means any operation carried out by the forces of the Partner States under one command;

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

"**Council**" means the Council of Ministers of the Community provided for under Article 9 of the Treaty;

"**counter-terrorism**" means practices, tactics, techniques, and strategies that Governments, militaries, police departments and corporations of Partner States adopt in response to terrorist threats or acts, both real and imputed;

"**cross border crime**" means a crime committed across Partner States which share a common border;

"**disaster management**" means strategies for managing disasters which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation;

"**early warning**" means the process of collecting, verifying and analysing information for the purpose of identifying threats to peace and security and communicating the information to the responsible authorities;

"**genocide**" means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to the members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group;

"**joint operations**" means operations, which involve multi-Sectoral agencies of the Partner States engaged in peace support operations, disaster management, search and rescue, counter-terrorism, transnational and cross border crimes and any other operations which may be mutually determined by the Partner States;

"**terrorism**" means:

- (a) any act which is a violation of the criminal laws of a Partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a Partner State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) and (ii);

"**transnational crime**" means a crime committed across the border of Partner States which do not share a common border.

Article 2 – Scope of cooperation

1. The Partner States shall cooperate in peace and security matters and collaborate with international and regional organisations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for the effective implementation of this Protocol.

3. Without prejudice to the generality of this Article, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) conflict prevention, management and resolution;
 - (b) prevention of genocide;
 - (c) combating terrorism;
 - (d) combating and suppressing piracy;
 - (e) peace support operations;
 - (f) disaster risk reduction, management and crisis response;
 - (g) management of refugees;
 - (h) control of proliferation of illicit small arms and light weapons;
 - (i) combating transnational and cross border crimes; including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft;
 - (j) addressing and combating cattle rustling; and
 - (k) Prisons and Correctional Services including exchange of prisoners, detention, custody and rehabilitation of offenders.
4. For purposes of paragraph 3, the Partner States agree to establish an early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

Article 3 – Objectives

1. The objective of this Protocol is to promote peace, security, and stability within the Community and good neighbourly relations among the Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to:
 - (a) protect the people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra- and inter-state conflicts and aggression;
 - (b) co-ordinate and co-operate in matters related to peace and security in the Community;
 - (c) prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
 - (d) observe and encourage the implementation of the United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between Partner States;
 - (e) develop peacekeeping capacity and co-ordinate the participation of Partner States in international and regional peace support operations;
 - (f) enhance the capacity of the Community with respect to disaster management and co-ordination of international humanitarian assistance;
 - (g) enhance the capacity of the Partner States in the management of refugees;
 - (h) enhance the capacity of the Partner States in combating terrorism and piracy;
 - (i) cooperate in exchange of prisoners, detention, custody and rehabilitation of offenders; and
 - (j) implement the East African Community Strategy on Regional Peace and Security.

Article 4 – Conflict prevention, management and resolution

1. The Partner States undertake to develop an East African Community conflict prevention, management and resolution mechanism.
2. For purposes of paragraph 1, Partner States shall manage and seek to resolve any dispute or conflict within and between two or more Partner States or with foreign countries by peaceful means.
3. The Community may, in consultation with the United Nations Security Council and the Peace and Security Council of the African Union, offer to mediate in disputes or conflicts within and between two or more Partner States or with foreign countries.

Article 5 – Prevention of genocide

1. The Partner States undertake to cooperate in the prevention of genocide within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) prevent any act intended to destroy, in whole or in part, a national, ethnic, racial or religious group; and
 - (b) develop a joint mechanism for the prevention of genocide and take appropriate measures against the perpetrators.

Article 6 – Combating terrorism

1. The Partner States agree to cooperate in counter terrorism measures within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate strategies and mechanisms for the operationalisation of counterterrorism measures;
 - (b) jointly formulate strategies and mechanisms to combat terrorism;
 - (c) jointly formulate strategies on how to conduct joint operations; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

Article 7 – Combating and suppressing piracy

1. The Partner States agree to cooperate in combating piracy in the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate mechanisms for the operationalisation of anti piracy measures; and
 - (b) jointly formulate mechanisms to fight piracy;
 - (c) jointly develop strategies on how to fight and suppress piracy; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

Article 8 – Peace support operations

1. The Partner States shall formulate a joint mechanism for the operationalisation of peace support operations within the context of the Charter of the United Nations, the Constitutive Act of the African Union and the Treaty.
2. The Partner States shall conduct peace support operations within the Community under a conflict prevention, management and resolution framework.

Article 9 – Disaster risk reduction, management and crisis response

1. The Partner States shall develop mechanisms to provide mutual assistance in disaster management and crisis response
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) develop and early warning and response system for common disasters within the Community;
 - (b) establish the database for disaster management; and
 - (c) develop capacity to manage disaster situations.

Article 10 – Management of refugees

1. The Partner States undertake to establish common mechanisms for the management of refugees.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) harmonize their policies, laws, strategies and programmes on the management of refugees;
 - (b) incorporate the provisions of the 1951 UN Convention on Refugees and 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa in their national legislation;
 - (c) establish and harmonise asylum procedures;
 - (d) network and share information regarding asylum seekers and refugees;
 - (e) institute mechanisms to facilitate family re-union;
 - (f) establish systems for agencies involved with refugees within the Community to share views and exchange experiences; and
 - (g) develop joint training modules for stakeholders in refugee management.

Article 11 – Control of proliferation of illicit small arms and light weapons

The Partner States undertake to jointly develop policies, measures, mechanisms, strategies and programmes, to control the proliferation of illicit small arms and light weapons.

Article 12 – Combating transnational and cross-border crimes

1. The Partner States shall undertake joint operations in controlling and preventing transnational and cross-border crimes including:
 - (a) the theft of motor vehicles;
 - (b) the smuggling of goods;

- (c) illicit drug trafficking;
 - (d) human trafficking;
 - (e) illegal migration;
 - (f) trade in counterfeit goods;
 - (g) intellectual property piracy; and
 - (h) any other transnational and cross - border crimes.
2. For purposes of paragraph 1, the Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat cross-border crimes including:
- (a) the establishment of regional databases on cross-border crimes;
 - (b) the enhancement of technical capacity for criminal intelligence;
 - (c) the enhancement of the exchange of criminal intelligence and other security information between the Partner States central criminal intelligence information centres;
 - (d) the strengthening of cross border security;
 - (e) the training of personnel and sharing information on the *modus operandi* being used by criminals;
 - (f) the enactment of laws on mutual legal assistance in criminal matters; and
 - (g) the establishment of cross border and inter state communication.

Article 13 – Preventing and combating cattle rustling

1. The Partner States that do not have policies and laws to prevent and combat cattle rustling agree to develop and adopt policies, law and strategies to achieve this.
2. The Partner States agree to harmonise their policies, laws and strategies to prevent and combat cattle rustling.

Article 14 – Cooperation in the exchange, detention, custody and rehabilitation of prisoners and offenders

1. The Partner States agree to cooperation in the exchange, custody and rehabilitation of prisoners and offenders.
2. For purposes of Paragraph 1, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) the governance and management frameworks of prisons and correctional services;
 - (b) penal reform agenda; and
 - (c) research, data collection, information exchange and the enhancement of regional standards, policies and practices.
3. The Partner States agree to harmonise their training programmes and practices in relation to the management of penal and rehabilitation institutions.

Article 15 – Institutional arrangements

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

Article 16 – Relationship with regional and international organisations

The Partner States shall foster cooperation with regional and international organizations whose activities have a bearing on the objectives of this Protocol.

Article 17 – Confidentiality of information

1. The Partner States undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Community, other than to their own officials to whom such disclosure is essential for purposes of giving effect to this Protocol or any directive taken by the Summit.
2. Partner States shall ensure that the officials referred to in this Article shall at all times maintain strict secrecy.
3. Partner States further undertake not to use any classified information obtained during any multilateral co-operation between and or among them to the detriment of any Partner State.
4. A Partner State shall remain bound by the requirement of confidentiality under this Article even after withdrawal and expulsion from the Community.

Article 18 – 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 19 – 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 20 – Entry into force

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

Article 21 – Depository and registration

1. The original text of this protocol shall be deposited with the Secretary General who shall transmit certified true copies thereof to all Partner States.
2. The Secretary General shall register this protocol with the African Union, United Nations and such other organisation as the Council may determine.

DONE at Dar es Salaam Tanzania this 15th, day of February, 2013.

IN WITNESS WHEREOF the undersigned have appended their signatures hereto: