

REPUBLIC OF KENYA



TWELFTH PARLIAMENT - (SECOND SESSION)

THE NATIONAL ASSEMBLY

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**REPORT  
OF THE  
SELECT COMMITTEE ON REGIONAL INTEGRATION**

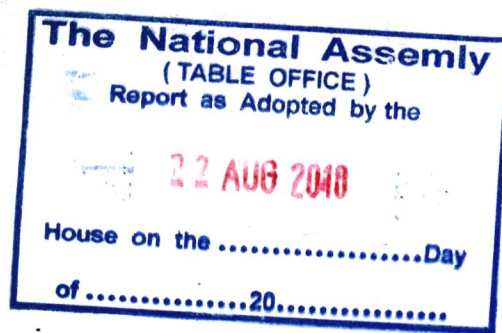
**ON  
CONSIDERATION OF EAST AFRICAN COMMUNITY (EAC)  
BILLS AND EAC PROTOCOL ON COOPERATION OF  
METEOROLOGICAL SERVICES**

Directorate of Committee Services

National Assembly

Parliament Buildings

NAIROBI



JUNE, 2018

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## EXECUTIVE SUMMARY

1. This report contains the Committee's resolution on the consideration of the following East African Community Bills and Protocol. The Bills and the Protocol were tabled before the House on 14<sup>th</sup> February, 2018 and **subsequently** committed to the Select Committee on Regional integration for consideration and reporting pursuant to provisions of Standing Order 212 (2):-

a) Bills

- (i) The EAC Counter-Trafficking in Persons Bill, 2016;
- (ii) The EAC retirement Benefits for Specified heads of Organs Bill, 2015;
- (iii) The EAC Prohibition of Female Genital Mutilation Bill, 2016;
- (iv) The EAC Youth Council Bill, 2017;
- (v) The EAC Cross Border Trade in Professional Service Bill, 2017; and
- (vi) The EAC Mining Bill, 2017.

b) Protocol

- (i) The Protocol on cooperation of Meteorological Services.

2. The East African legislative Assembly, (EALA) is the legislative organ of the Community established under Article 9(1)(f) of the Treaty for the establishment of the east African Community. EALA is vested with nearly the same roles as those of individual Partner States Parliaments specifically legislation, oversight and representation. Through legislation, EALA is expected to deliver the EAC dream to the region's 120 million people. It is against this background and expectation that during its third Assembly, EALA



processed a number of Bills and presented them to partner states Parliaments for information and follow up with the Council of Ministers as necessary.

3. In considering the Bills and Protocol, the Committee considered the subject Bills and the Protocol, consulted the relevant stake holders and noted the following:
4. The East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 had since been passed by the East Africa Legislative Assembly and were awaiting assent. However, the versions of the Bills that had been sent for assent were different from those before the Committee. The Ministry is therefore, expected to forward the versions of the Bills for assent at a later date.
5. The East African Community Youth Council Bill, 2017 had been considered by Third Assembly - EALA up to the Third Reading but had since been rejected at the Third Reading stage.
6. The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 had lapsed and was waiting for re-introduction in the Fourth Assembly.
7. The East African Community Cross Border Trade in Professional Services Bill, 2017 and the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 were pending from the previous Assembly (Third Assembly) and were yet to be re-introduced in the Fourth Assembly.
8. The Committee therefore resolved to the re-introduction of the Bills in the Fourth Assembly of the East Africa Legislative Assembly. The Committee further resolved that it would await the Ministry to forward the versions forwarded for assent of the East African Community Counter-Trafficking in



Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before it could give its input in respect of the same.

9. On the Protocol, the Committee noted that it underscores the necessity for enhanced weather and climate service delivery, the improved access to meteorological services, the increased support for the provision of weather and climate services for climate change adaptation and mitigation, and the strengthening of partnerships with relevant institutions.
10. In order to implement the Protocol, the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies. The Committee therefore recommended ratification of the EAC protocol on cooperation of Meteorological Services.
11. In its consideration of the Bills and Protocol, the Committee noted that some of the Bills had already lapsed with the dissolution of the 3<sup>rd</sup> EALA Assembly, and therefore resolved to await the re-introduction of the Bills in the Fourth EALA Assembly. The Committee further resolved to await the Ministry to forward the versions of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 as forwarded for assent, before deliberating on the same.
12. In its consideration of the Protocol on Meteorological Services, the Committee observed that the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies. The Committee therefore, resolved to support the implementation of the Protocol as it would go a long way in fostering better regional integration in matters related to meteorological services.

13. The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its mandate efficiently and within the required timelines.

14. On behalf of the Select Committee on Regional Integration and pursuant to provisions of Standing Order.199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the EAC Bills and the Protocol on Cooperation in Meteorological Services for noting and any other necessary action.

SIGNED..........

**HON. NAISULA LESUUDA, OGW, MP**  
**CHAIRPERSON, COMMITTEE ON REGIONAL INTEGRATION**

DATE.....



**LIST OF ABBREVIATIONS/ACRONYMS**

EWS	Early Warning System
EAC	East African Community
EALA	East African Legislative Assembly
FGM	Female Genital Mutilation
MCS	Meteorological Communication System
SG	Secretary General

## INTRODUCTION

15. The Committee on Regional Integration is established under the National Assembly Standing Order 212 which sets out the mandate of the Committee. The Committee was constituted in December 2017 following adoption of a motion on membership of committees by the House to comprise 23 members.

16. The Committee Membership comprise of the following

1. **The Hon. Naisula Lesuada, OGW, M.P, - Chairperson**
2. The Hon. Capt. Ruweida Mohamed, M.P – Vice Chairperson
3. The Hon. William Kamket, M.P.
4. The Hon. Kubai Iringo, M.P
5. The Hon. Ndindi Nyoro, M.P.
6. The Hon. Abdi Mude Ibrahim, M.P
7. The Hon. Nasri Sahal Ibrahim, M.P
8. The Hon. Kassim Tandaza, M.P
9. The Hon. Ali Wario Guyo, M.P.
10. The Hon. Memusi Ole Kanchory, M.P
11. The Hon. Janet Ong'era, M.P.
12. The Hon. Dr. Gideon Ochanda, M.P.
13. The Hon. Mathias Robi, M.P
14. The Hon. Janet Teiyaa, M.P
15. The Hon. Geoffrey Omuse, M.P
16. The Hon. Joyce Emanikor, M.P
17. The Hon. Gideon Keter, M.P
18. The Hon. Rozaah Buyu, M.P
19. The Hon. Ezekiel Ombaki, M.P
20. The Hon. Christopher Nakuleu, M.P
21. The Hon. Eve Obara, M.P



22.The Hon. Malulu Injendi, M.P

23.The Hon. Erastus Nzioka, M.P

**17.The Committee is served by a Secretariat, which comprises of the following-**

- a) Ms. Hellen Ekadeli Clerk Assistant III;
- b) Ms. Mary Lemerelle Clerk Assistant III;
- c) Dr. Kefa Omoti Principal Research Officer;
- d) Ms. Christine Odhiambo Legal Counsel; and
- e) Mr. Boniface Mugambi Sergeant-At-Arms.

**Committee Mandate**

**18.Pursuant to the provisions of Standing order 212, the Committee is mandated to undertake the following-**

- (a) enhance the role and involvement of the House in intensification and development of the integration process in the East African Community and the greater African region;
- (b) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;
- (c) examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;
- (d) examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies; and
- (e) inquire into and examine any other matter relating to regional integration generally requiring action by the House.

## **CONSIDERATION OF THE EAC BILLS**

19. The Committee held a total of 5 sittings to consider the five (5) the Bills and the Protocol as follows-

### **The East African Community Counter-Trafficking in Persons Bill, 2016**

20. The Committee noted that the objective of the Bill is:-

- a) to provide for a legal framework for the prevention of trafficking in persons, the prosecution of perpetrators as well as the development of partnerships for cooperation to counter trafficking in persons in the Community;
- b) aimed at availing a permissible framework to prevent counter-trafficking in persons, to protect and assist victims as well as to promote cooperation of the partner states so as to prevent counter-trafficking in persons;
- c) to provides for the offence of trafficking in persons as well as other related offences;
- d) to prohibits the threat or use of force, abduction, deception or fraud, abuse of power to recruit, transfer or harbor another person for purposes of exploitation of that person;
- e) to makes trafficking in persons an offence notwithstanding the consent that may be given by the victim of trafficking and provides that a person found guilty of the offence of trafficking in persons shall be liable for punishment in accordance with the specific country concerned; and
- f) For the partner states to harmonize the laws on trafficking in persons, and sets a minimum of ten years imprisonment for any person found guilty of the offence of trafficking in persons.

### **The East African Community Cross Border Trade in Professional Services Bill, 2017**



21. The Committee noted that:-

- a) The objective of the Bill is to provide for the conduct and regulation of cross border trade in professional services within the EAC, thereby facilitating the free movement of persons, labor and services within the region.
- b) It targets to promote cross border trade in professional services within the Community, promote harmonization of professions training as well as to facilitate free movement of trade in professional services within the EAC.
- c) The Bill provides for the discipline of professionals and establishes the EAC Professionals Disciplinary Committee, which shall have the power to address complaints against the professionals that arise from cross border trade in professional services within the EAC; and
- d) It sets out the procedure for lodging a complaint, the accused's right to be heard and right to a fair hearing, as well as the orders that may be made by the Disciplinary Committee, which include admonishing, suspension or striking off the roll.

**The East African Community Prohibition of Female Genital Mutilation Bill, 2016**

22. The Committee noted that:-

- a) The Bill seeks to prohibit the practice of female genital mutilation within the East African Community so as to encourage the full participation of women in matters of regional integration and development.
- b) It further seeks to establish an institutional mechanism for the prosecution of offenders and provide for the prohibition of the practice of female genital mutilation, the provision of a minimum penalty for the offence, establishment of institutions to foster cooperation in the prosecution of

offenders as well as the development and harmonization of policies, laws and strategies to prevent female genital mutilation.

- c) The Bill seeks to set a minimum penalty for the offences as imprisonment for a term not less than three years, or a fine not less than one thousand dollars, or both.
- d) It further mandates the partner states to adopt comprehensive laws to prohibit FGM, as well as to avail resources as well as strategies, policies and programmes for the elimination of FGM.

### **The EAC Retirement Benefits for Specified Heads of Organs Bill, 2015**

23. The Committee noted that:-

- a) The Bill seeks to provide for the retirement benefits and payment of gratuity for specified leaders who have honourably served and completed their terms in the service of the Community. Specifically, the Bill identifies the leaders as the former President of the East African Court of Justice, the former Speaker of the East African Legislative Assembly and the former Secretary-General of the East African Community.
- b) The Bill provides for the provisions governing the retirement benefits, and the circumstances under which a former head of organ of the Community shall be entitled to retirement benefits, which are upon completion of a term in office, upon abolition of the office, inability to continue in office on medical grounds and upon death while still in office. It spells out the actual entitlements that the heads of organs shall receive as benefits, and also provides for the payment of gratuity to their dependents in the event of death.

### **The East African Community Youth Council Bill, 2017**



24. The Committee noted that:-

- a) The Bill provides a legal framework for the harmonization of laws and policies regarding the youth within the East African community and is premised on Article 120 of the Treaty for the Establishment of the East African Community.
- b) It also seeks to harmonize the laws and regulations pertaining to the youth within the East African Community and provide a regional platform for the articulation of youth issues and to promote the participation of youth in all stages of regional development and integration.
- c) The guiding principles of the Bill include ethics, integrity, impartiality and unity in diversity.
- d) The Bill provides for the establishment of the East African Youth Council whose mandate shall be to ensure the implementation of the youth policy, fostering the interests of the youth in the integration process of the EA Community as well as encouraging the formation of youth organizations.

## **CONSIDERATION OF THE EAST AFRICA COMMUNITY PROTOCOL ON COOPERATION IN METEOROLOGICAL SERVICES**

### **The Protocol on Cooperation in Meteorological Services**

26. The East Africa Community Protocol on Cooperation in Meteorological Services is premised on Article 5 of the Treaty for the Establishment of the East African Community providing for the objectives of the Community which are among others, to develop policies and programmes aimed at widening and deepening co-operation among partner states.

27. The Protocol aims to develop policies and programmes for widening and deepening cooperation among partner states in various areas related to



metrology. The protocol seeks to give effect to Article 100 of the Treaty providing for the need for each partner state to collect and disseminate meteorological information, as well as to exchange information and expertise concerning new developments in meteorological science and technology.

28. Specifically, the Protocol seeks to mandate the partner states to cooperate in data processing and analysis and to exchange meteorological data and information. The Protocol also requires the partner states to harmonize their laws and policies on meteorology.

29. The protocol contains the following 15 Articles:-

1. **Preamble:** It sets out the reasons and aspirations for which the Protocol is made which include cooperation in and harmonization of meteorological Policies in the region.
2. **Article 1:** Defines key terms as used in the Protocol.
3. **Article 2:** Provides for the objectives of the protocol which is to promote cooperation in the provision of meteorological services within the Community.
4. **Article 3:** The scope of the Protocol extends to governing partner states cooperation in:-
  - a) The planning, designing and development of weather and climate observation networks and meteorological telecommunications systems
  - b) the processing and analysis of data and sharing of meteorological information and;
  - c) the development of early warning systems;
5. **Article 4:** Provides for the planning, designing and development of weather and climate observation networks and meteorological telecommunications systems. The partner states shall

- a) establish rainfall stations, as may be appropriate
  - b) Improve surface observing networks in the Community, including over the Indian ocean;
  - c) Upgrade existing observation stations
  - d) Establish automatic weather stations in remote areas over lakes and along the coast
  - e) Establish upper air stations as may be appropriate
  - f) Network weather radars for monitoring real time weather for safety and efficiency of air transport, marine navigation and public safety
  - g) Promote interconnection and inter-operability of meteorological observation and telecommunication networks and develop meteorological technologies
6. **Article 5:** Provides that partner states shall undertake to cooperate in data processing and analysis and to exchange meteorological data and information. The partner states shall develop meteorological data management and quality assurance systems, develop weather and climate forecast models, products and services, develop numerical weather prediction systems and downscale global climate predictions to the regional level.
7. **Article 6:** Provides that partner states shall cooperate in the development and implementation of multi hazard early warning systems. Partner states shall:
- a) disseminate advisories and alerts for severe weather and extreme climate events for purposes of ensuring food security,
  - b) shall monitor and exchange information on ocean related phenomena, volcanic ash and transboundary pollution and;
  - c) Identify the locations most affected by hydro-meteorological disasters.



8. **Article 7:** Provides for an undertaking that in the implementation of the protocol, partner states shall provide applied meteorological services to various sectors of their economies.
9. **Article 8:** Provides for harmonization of laws and regulations on meteorology by partner states to facilitate the achievements of the objectives of the protocol.
10. **Article 9:** Provides for cooperation with regional and international organizations.
11. **Article 10:** Provides for the institutional framework for the implementation of the protocol
12. **Article 11:** Provides for the issuance of regulations, directives and decisions necessary for the effective implementation of the protocol.
13. **Article 12:** Makes provision for settlements of disputes arising from the interpretation or application of the Protocol between the partner states.
14. **Article 13:** Establishes the office of the Secretary General
15. **Article 14:** Makes provision for the amendment of the protocol.
16. **Article 15:** Provides that the protocol shall come in to force upon ratification and deposit of the instruments of ratification with the secretary general by all partner states.
17. **Article 16:** Makes provision for the depository and ratification of the protocol.

**Consideration of the Cabinet Memorandum on the ratification of the Protocol.**

30. The Committee considered the memorandum and noted the following:-

1. That cooperation among the EAC partner states in the meteorological sector is guided by articles 100 of the treaty for the establishment of the East



African Community. Under the provisions of the Treaty, partner states undertake to cooperate in the provision of meteorological services.

2. In order to implement the protocol, the republic of Kenya will be expected to cooperate with other EAC partner states in providing applied meteorological services to various sectors of their economies.
3. The Partner states undertake to harmonize their policies, laws and regulations in meteorology to facilitate the achievement of the objectives of the protocol.
4. The partner states shall foster cooperation and build partnerships with the other countries and international, regional or global organizations which share the objectives of the protocol.
5. The Protocol is consistent with the Constitution and is not contrary to any constitutional values and objectives. Its ratification will not necessitate any amendments to the Constitution of Kenya and there are no reservations to its ratification.
6. The protocol does not have any implications on matters relating to Counties and is not envisaged to have any additional budgetary allocation.
7. The protocol underscores the necessity for enhanced weather and climate service delivery, the improved access to meteorological services, the increased support for the provision of weather and climate services for climate change adaptation and mitigation, and the strengthening of partnerships with relevant institutions.
8. The protocol has been adopted by the EAC council of Ministers, approved by the EAC Heads of States summit and subsequently signed by the Ministers responsible for meteorological matters in the Partner states.
9. In order to allow its entry into force, the Republic of Kenya must ratify the protocol alongside other partner states. The ratification of the protocol would

positively affect the Country's national interest and contribute to the socio-economic development of the Country.

### **Submissions by the Ministry of East Africa Community**

31. The Ministry of East Africa Community officials made a presentation on the protocol on meteorological Services as follows:

1. That the main object of the Protocol is to promote cooperation in the provision of meteorological services within the community;
2. The scope of the Protocol extends to the partner states to cooperate in the planning, designing and development of weather and climate observations networks and meteorological communication systems;
3. The protocol would enhance the processing and analysis of data and sharing of meteorological information; and the development of early warning systems;
4. The Protocol does not have any implication on matters relating to counties; and
5. The implementation of the Protocol is not envisaged to have any additional budgetary allocation.

### **GENERAL COMMITTEE OBSERVATIONS**

#### **BILLS**

32. The Committee noted that:

1. The East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 had since been passed by the East Africa Legislative Assembly and were awaiting assent. Further, the versions of the Bills that had been sent for



- assent were different from those before the Committee. The Ministry would therefore forward the versions of the Bills for assent at a later date;
2. The East African Community Youth Council Bill, 2017 had gone to the Third Reading in the previous Assembly (Third Assembly) but had been rejected at the Third Reading stage. The Bill had therefore not been re-introduced in the Fourth Assembly;
  3. The East African Community Cross Border Trade in Professional Services Bill, 2017 and the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015 were pending from the previous Assembly (Third Assembly) and were yet to be re-introduced in the Fourth Assembly.

### **PROTOCOL - East African Community Protocol on Cooperation in Meteorological Services**

33. The Committee noted that-

1. The contents of the memorandum to the effect that the processing and analysis of data was important for safety of navigation and it was only through a reliable meteorological data that would allow for navigation of data.
2. In order to implement the Protocol, the Republic of Kenya was expected to cooperate with other Partner States in providing applied Meteorological Services to various sectors of the economies.



**COMMITTEE RECOMMENDATIONS**

**Bills**

34. The Committee recommends that:

1. The following Bills await re-introduction into the Fourth Assembly of the east African legislative Assembly:
  - a) The EAC cross Border Trade in professional Service Bill,2017
  - b) The East African Community Prohibition of Female Genital Mutilation Bill, 2016
  - c) The EAC Retirement Benefits for specified heads of organs Bill,2016
  - d) The EAC Youth Council Bill, 2017
2. The Ministry of East African Community should submit the versions forwarded for assent of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before the Committee gives its input in respect of the same.

**Protocol on Cooperation in Meteorological Services**

Having considered the Protocol, the Committee recommends that the National Assembly approves the ratification of the EAC protocol on cooperation in Meteorological Services

SIGNED.....*Lesuada*.....

**HON. NAISULA LESUUDA, OGW, MP**

**CHAIRPERSON**

**COMMITTEE ON REGIONAL INTEGRATION**

DATE.....

