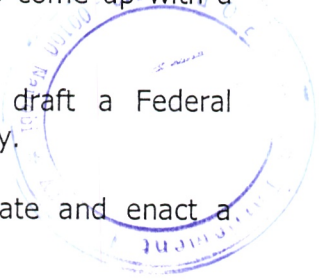


Paper laid on
The Table of the
Senate by Sen. F. Dilla
on 28/05/55
W.P.

ANNEX II

SCHEDULE OF THE PROPOSED AMENDMENTS TO THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

- (1) Since the Summit has put in motion an on-going process to fast track the integration of the EAC, the result of which is to come up with a Federal East Africa, there is need to;
 - (i) Set up a Constitutional Commission to draft a Federal Constitution under Article 5 (2) of the Treaty.
 - (ii) Set up a Constituent Conference to debate and enact a Federal Constitution.



The Article should provide for the Assembly to enact a law to set up the Constituent Conference and a Constitutional Commission.

- (2) **Article 9** of the Treaty is amended:
 - a) By deleting paragraphs (c) and (d)*
 - b) By re-numbering paragraphs (e), (f), (g) and (h) as (c), (d), (e) and (f) respectively*
- (3) **Article 11(6)** of the Treaty is amended by deleting the phrase "including legislative powers".
- (4) **Article 24** of the Treaty is amended in paragraph 1 by deleting the word "**persons**" appearing in the first line and replacing it with the following words:

"Only Nationals of Partner States"

- (5) **Article 25** of the Treaty is amended by deleting the title "**Secretary General**" in paragraph 4 and replacing it with the title "**President**".
- (6) The Treaty is amended:
 - (a) By deleting the whole of Chapter 6 and substituting it with the following new Chapter.



CHAPTER SIX
The Service Commission
ARTICLE 17

The Parliamentary Service Commission

- 1. There is hereby established a Commission which shall be known as the East African Parliamentary Service Commission.**
- 2. The functions of the Parliamentary Service Commission among others shall be:**
 - a) to maintain and control the service of the Assembly**
 - b) to appoint all staff in the Assembly, to determine their numbers and after appropriate consultations fix their remuneration and other terms and conditions of service**
 - c) Other functions, composition, tenure of office, and other related matters of the commission shall be provided in a relevant law to be enacted by the Assembly**

ARTICLE 18
The Judicial Service Commission

- 1) There is hereby established a Commission which shall be known as the East African Judicial Service Commission.**
- 2) The functions of the Judicial Service Commission among others shall be:**
 - a) To maintain and control the service of the Court**
 - b) To appoint all staff in the Court, to determine their numbers and after appropriate consultations fix their remuneration and other terms and conditions of service.**
 - c) Propose names to the Summit of persons qualified to be appointed Judges to serve in the Court**
 - d) Other functions compositions tenure of office of the Commission, as well as terms and conditions**

of service of the Judges and staff of the Court shall be provided in a relevant law to be enacted by the Assembly.

ARTICLE 19

Civil Service Commissions

1. There is hereby established a Commission which shall be known as the East African Civil Service Commission.

2. The functions of the East African Civil Service Commission amongst others be:

(a) To maintain and control the service of the Secretariat

(b) To appoint all staff in the Secretariat, to determine their numbers and after appropriate consultation, fix their remuneration and other terms and conditions of service.

(c) Other functions, composition, tenure of office and other related matters of the Commission shall be provided in a relevant law to be enacted by the Assembly.

(7) Article 26 of the Treaty is amended in **paragraph (6)** by deleting the phrase:

"Shall make a report to the Chairperson of the Summit and the Summit shall appoint a temporary Judge to act for that case only in place of the substantive Judge" and substituting therefore the following:

"Shall direct another pending Judge to take part into that case".

Article 26 of the Treaty is amended in **paragraph (7)** by deleting the phrase:

"make a report to the Chairperson of the Summit and the Summit shall appoint a temporary President or Principal Judge of Court to act as President or Principal Judge of Court for that case only in place of the substantive President or Principal Judge of the Court", and substituting it with the following:

"The President or Principal Judge as the case may be shall preside over the sessions".

(8) **Article 40** of the Treaty is amended:

a) By deleting all the words immediately after the word "case" in third line.

(9) **Article 48** of the Treaty is amended by adding a new paragraph 5:

"5. The Clerk shall be the Principal Executive Officer and Sub-Accounting Officer of the Assembly".

(10) **Article 50** of the Treaty is amended by deleting the expression

"as the National Assembly of each Partner States may determine" which appear at the end of paragraph 1 and substituting with the following expression:

"as may be determined by an Act of the Community regulating the elections of Members to the East African Legislative Assembly."

(11) The Treaty is amended by inserting a new **Article 50A** immediately after **Article 50**.

Article 50A

1. There is hereby established an Electoral Commission to be known as the East African Electoral Commission.

2. The Commission shall consist of the following Members to be appointed by the Summit with the approval of the Assembly:

a) Judge of the Appellate Division of the East African Court of Justice who shall be the Chairperson

b) Vice – Chairperson; and

c) One member from each Partner State

3. "The Electoral Commission shall exercise such functions as are conferred upon by this Treaty and any other relevant law of the Community."

(12) **Article 51** of the Treaty is amended:

- i. By adding the following new paragraph 1 immediately before paragraph 1.*
- ii. "The Life of the Assembly shall be five years"*
- iii. By renumbering paragraphs 1, 2, and 3 as 2, 3, and 4 respectively.*

(13) The Treaty is amended by adding the following new **Article 53A** immediately after **Article 53**.

Article 53 A

Deputy Speaker of the Assembly

- 1. The Deputy Speaker of the Assembly shall be elected by the elected Members of the Assembly from among themselves to serve for a period of five years.*
- 2. The Deputy Speaker shall be elected from amongst elected Members of the Assembly*
- 3. During the election, gender balance shall be taken into account.*

(14) **Article 56** of the Treaty is amended in paragraph (b) by deleting the whole of that paragraph and replacing it with the following paragraph:

"(b) In the absence of the Speaker of the Assembly, the Deputy Speaker and in the absence of the Deputy Speaker such elected Members of the Assembly as the elected Members may elect for the sitting.

(15) **Article 63** of the Treaty is amended:

(a) by deleting paragraph 3 and replacing it with the following paragraph:

"3 if upon reconsideration, the Bill is passed by two-thirds majority such Bill shall automatically become law."

(b) By deleting the whole of paragraph 4.

(16) **Article 67** of the Treaty is amended by deleting paragraph 3(b) and substituting it with a new one:

(b) Be the Accounting Officer of all organs and institutions of the Community other than the Court and the Assembly".

- (17) **Article 69** of the Treaty is amended by deleting the whole of that Article and substitute with the following:

ARTICLE 69

Counsel to the Community

- 1) There shall be a Counsel for the East African Community who shall be appointed by the Summit.***
 - 2) A person shall qualify to be appointed to hold the office of Counsel if such person holds such qualifications as provided under Article 24 of this Treaty.***
 - 3) The Counsel shall be the principal legal adviser of the Community and for that purpose shall be responsible for advising all organs and institutions of the Community on legal matters and discharge any other functions pertaining to or connected with law which are referred to or assigned to him by the Summit, and also discharge such other duties, or functions which shall be entrusted to him by this Treaty or by any law.***
 - 4) The Counsel shall be an ex-officio Member of the Council of Ministers***
 - 5) The terms and conditions of service of the Counsel shall be determined by the Summit on recommendation by the Council.***
- (18) **Article 132** of the Treaty is amended by deleting paragraph 4 and replacing it with the following paragraph:
- 4. The budget of the Community shall be funded from various sources of the Community for the use of the Community.***
- (19) **Article 134** of the Treaty is amended by deleting the word "**community**" appearing at the end of paragraph and substituting the following:
- "Organs and Institutions of the Community".***
- (20) The Committee proposed all the provisions relating to decision-making by consensus be deleted and be replaced by a "**majority decision**".
- (21) **Article 146** of the Treaty is amended in paragraph 1:

- (d) *By adding the words "**on recommendation by the Assembly**" between the words "**may**" and "**suspend**" in the first line of paragraph 1.*
 - (e) *By deleting the phrase "**eighteen (18)**" and replacing it with "**twelve (12)**"*
- (22) **Article 150** of the Treaty is amended by adding the following new paragraph 7 immediately after paragraph 6.
"The Partner States shall ratify amendments with twelve months after adoption by the Summit"