

CHAPTER TWENTY NINE

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 136

Headquarters and Other Offices of the Community

1. The headquarters of the Community shall be in Arusha in the United Republic of Tanzania.
2. There may be established such offices of the Community in the Partner States and elsewhere as the Council may determine.

ARTICLE 137

Official Language

1. The official language of the Community shall be English.
2. Kiswahili shall be developed as a lingua franca of the Community.

ARTICLE 138

Status, Privileges and Immunities

1. The Community shall enjoy international legal personality.
2. The Secretary General shall conclude with the Governments of the Partner States in whose territory the headquarters or offices of the Community shall be situated, agreements relating to the privileges and immunities to be recognised and granted in connection with the Community.
3. Each of the Partner States undertakes to accord to the Community and its officers the privileges and immunities accorded to similar international organisations in its territory.

ARTICLE 139

Dissolution of the Permanent Tripartite Commission and its Secretariat

Upon the coming into force of this Treaty, hereinafter referred to as “the appointed day”, the Tripartite Commission and the Secretariat of the Tripartite Commission respectively established on the 30th day of November, 1993, by the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania, and on the 26th day of November, 1994, by the Protocol on the Establishment of the Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania, shall both cease to exist.

ARTICLE 140

Transitional Provisions

1. On the appointed day, the Executive Secretary, the Deputy Executive Secretaries, the Legal Counsel and other staff of the Secretariat of the Tripartite Commission shall assume the offices of the Secretary General, Deputy Secretaries General, Counsel to the Community and other staff of the Community respectively and shall be deemed to have been appointed thereto under the provisions of Articles 67, 68, 69 and 70 of this Treaty respectively:

Provided that the Executive Secretary and the Deputy Executive Secretaries shall serve for the remaining period of their current contractual terms.

2. Until the Council adopts its procedure, the procedure that applies to the Tripartite Commission shall apply to the Council.
3. Until the Community adopts its own staff rules and regulations and terms and conditions of service and financial rules and regulations, those of the Secretariat of the Tripartite Commission shall apply.
4. Until such time as the Council determines that the Court is fully operational, a Judge appointed under Article 24 of this Treaty shall serve on an ad hoc basis. Notwithstanding the provisions of paragraph 5 of Article 25 of this Treaty, the salary and other terms and conditions of service of a Judge serving on an ad hoc basis shall be determined by the Summit on the recommendation of the Council.

5. Until the Assembly is elected at a time to be determined by the Summit and first meets, the functions of the Assembly in respect of the approval of the budget of the Community, consideration of annual reports on the activities of the Community and annual audit reports of the Audit Commission, shall be performed by the Council.
6. Until the adoption of Protocols referred to in Article 151(1), the Council may make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of this Treaty.
7. Pending the conclusion of a Protocol under paragraph 1 of Article 75 of this Treaty, the Partner States agree to maintain the rules of origin currently applicable for the purpose of the preferential treatment of goods traded among them and originating in the Partner States.

ARTICLE 140 (A)

Transition

1. ***Any judgment or order made by the Court since the entry into force of the Treaty shall be deemed to have been made by the First Instance Division of the Court.***
2. ***A Judge serving in the East African Court of Justice existing immediately before the entry into force of this Article shall continue as a Judge of the First Instance Division for the purposes of the Treaty and is eligible for appointment to the Appellate Division.***

ARTICLE 141

Transfer of Assets and Liabilities

1. On the appointed day there shall be transferred to and vested in the Community by virtue of this Article and without further assurance, all the assets and liabilities of the Secretariat of the Tripartite Commission and from that day, the Community shall, in respect of the assets and liabilities so transferred and vested in it, have all the rights, and be subject to all the liabilities, which the Secretariat of the Tripartite Commission had, or is subject to, immediately before that day.
2. Every contract made by or on behalf of the Secretariat of the Tripartite Commission in writing and whether or not of such a nature that rights and liabilities thereunder can be assigned by the Secretariat of the Tripartite Commission, shall have effect as if made by or, on behalf of the Community and as if references therein to the Secretariat of the Tripartite Commission or any officer or authority thereof, were references to the Community and to the corresponding officer or authority thereof.

3. Any proceedings by or against the Secretariat of the Tripartite Commission pending on the appointed day, shall be continued by or against the Community.
4. Reference to the Secretariat of the Tripartite Commission, in any law or document shall on and after the appointed day, be construed as references to the Community.

ARTICLE 142

Saving Provisions

1. Subject to the provisions of this Treaty, the operation of the following tripartite agreements after the coming into force of this Treaty shall not be affected by such coming into force, but the agreements shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Treaty:
 - (a) Agreement for the Establishment of The Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania;
 - (b) Protocol on the Establishment of a Secretariat of the Permanent Tripartite Commission for Co-operation Between the Republic of Uganda, the Republic of Kenya and the United Republic of Tanzania;
 - (c) Headquarters Agreement between the Secretariat of the Commission for East African Co-operation and the Government of the United Republic of Tanzania;
 - (d) Tripartite Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income;
 - (e) Memorandum of Understanding on Co-operation in Defence;
 - (f) Tripartite Agreement on Road Transport;
 - (g) Tripartite Agreement on Inland Waterways Transport;
 - (h) Memorandum of Understanding on Foreign Policy Co-ordination; and
 - (i) Memorandum of Understanding between the Republic of Uganda and the Republic of Kenya and the United Republic of Tanzania for Co-operation on Environment Management.

2. The dissolution of the Tripartite Commission in terms of Article 139 of this Treaty shall not affect the decisions of the Tripartite Commission but such decisions shall be construed and implemented with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Treaty.

ARTICLE 143

Sanctions

A Partner State which defaults in meeting its financial and other obligations under this Treaty shall be subject to such action as the Summit may on the recommendation of the Council, determine.

ARTICLE 144

Duration of the Treaty

This Treaty shall have perpetual duration.

ARTICLE 145

Withdrawal of a Member

1. A Partner State may withdraw from the Community provided:
 - (a) the National Assembly of the Partner State so resolves by resolution supported by not less than two-thirds majority of all the members entitled to vote; and
 - (b) the Partner State gives to the Secretary General twelve month's written notice of its intention to withdraw, unless that State cancels the notice before the expiry of the twelve months.
2. A Partner State wishing to withdraw from the Community shall, during the period of twelve months referred to in paragraph 1 of this Article, continue to be liable to discharge her obligations under the Treaty.
3. Notwithstanding the effective withdrawal from membership by such State, upon expiry of the notice that State shall remain liable to discharge all subsisting obligations and long term commitments incurred during membership.

ARTICLE 146

Suspension of a Member

1. The Summit may suspend a Partner State from taking part in the activities of the Community if that State fails to observe and fulfil the fundamental principles and objectives of the Treaty including failure to meet financial commitments to the Community within a period of eighteen (18) months.
2. A Partner State suspended, in accordance with paragraph 1 of this Article, shall cease to enjoy the benefits provided for under this Treaty but shall continue to be bound by membership obligations until the suspension is lifted.

ARTICLE 147

Expulsion of a Member

1. The Summit may expel a Partner State from the Community for gross and persistent violation of the principles and objectives of this Treaty after giving such Partner State twelve months' written notice.
2. Upon the expiration of the period specified in paragraph 1 of this Article, the Partner State concerned shall cease to be a member of the Community unless the notice is cancelled.
3. During the period referred to in paragraphs 1 and 2 of this Article the Partner State concerned shall continue to comply with the provisions of this Treaty and be liable to discharge all subsisting obligations and long-term commitments incurred during membership.

ARTICLE 148

Exceptions to the Rule of Consensus

Notwithstanding the provisions of paragraph 3 of Article 12 of this Treaty, the views of the Partner State being considered for suspension or expulsion shall not count, for the purposes of reaching a decision under the provisions of Articles 146 and 147 of this Treaty.

ARTICLE 149

Rights over Property and Assets of the Community Upon Cessation of Membership

1. Where a Partner State withdraws or is expelled in accordance with Articles 145 and 147 respectively of this Treaty the property of the Community in that Partner State's territory shall remain vested in the Community.
2. A State that has ceased to be a Partner State of the Community shall have no claim to or any rights over any property and assets of the Community.
3. The Community shall continue with its remaining membership notwithstanding withdrawal or expulsion of any Partner State.

ARTICLE 150

Amendment of the Treaty

1. This Treaty may be amended at any time by agreement of all the Partner States.
2. Any Partner State or the Council may submit proposals for the amendment of this Treaty.
3. Any proposals for the amendment of this Treaty shall be submitted to the Secretary General in writing who shall, within thirty days (30) of its receipt, communicate the proposed amendment to the Partner States.
4. The Partner States which wish to comment on the proposals shall do so within ninety days (90) from the date of the dispatch of the proposal by the Secretary General.
5. After the expiration of the period prescribed under paragraph 4 of this Article, the Secretary General shall submit the proposals and any comments thereon received from the Partner States to the Summit through the Council.
6. Any amendment to this Treaty shall be adopted by the Summit and shall enter into force when ratified by all the Partner States.

ARTICLE 151

Annexes and Protocols to the Treaty

1. The Partner States shall 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.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council.
3. Each Protocol shall be subject to signature and ratification by the parties hereto.
4. The Annexes and Protocols to this Treaty shall form an integral part of this Treaty.

ARTICLE 152

Entry into Force

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

ARTICLE 153

Depository and Registration

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

DONE at Arusha, Tanzania, on the 30th day of November, in the year One Thousand Nine Hundred and Ninety-Nine.

IN FAITH WHEREOF the undersigned have appended their signatures hereto:

for the Republic of
Uganda



YOWERI KAGUTA MUSEVENI
PRESIDENT

for the Republic of
Kenya



DANIEL TOROITICH ARAP MOI
PRESIDENT

for the United Republic of
Tanzania



BENJAMIN WILLIAM MKAPA
PRESIDENT