

CHAPTER FIVE

THE COUNCIL

ARTICLE 13

Membership of the Council

The Council shall consist of:

- (a) the Minister responsible for East African Community affairs of each Partner State;*
- (b) such other Minister of the Partner States as each Partner State may determine; and*
- (c) the Attorney General of each Partner State.*

ARTICLE 14

Functions of the Council

1. The Council shall be the policy organ of the Community.
2. The Council shall promote, monitor and keep under constant review the implementation of the programmes of the Community and ensure the proper functioning and development of the Community in accordance with this Treaty.
3. For purposes of paragraph 1 of this Article, the Council shall:
 - (a) make policy decisions for the efficient and harmonious functioning and development of the Community;
 - (b) initiate and submit Bills to the Assembly;
 - (c) subject to this Treaty, give directions to the Partner States and to all other organs and institutions of the Community other than the Summit, Court and the Assembly;
 - (d) make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of this Treaty;
 - (e) consider the budget of the Community;

- (f) consider measures that should be taken by Partner States in order to promote the attainment of the objectives of the Community;
 - (g) make staff rules and regulations and financial rules and regulations of the Community;
 - (h) submit annual progress reports to the Summit and prepare the agenda for the meetings of the Summit;
 - (i) establish from among its members, Sectoral Councils to deal with such matters that arise under this Treaty as the Council may delegate or assign to them and the decisions of such Sectoral Councils shall be deemed to be decisions of the Council;
 - (j) establish the Sectoral Committees provided for under this Treaty;
 - (k) implement the decisions and directives of the Summit as may be addressed to it;
 - (l) endeavour to resolve matters that may be referred to it; and
 - (m) exercise such other powers and perform such other functions as are vested in or conferred on it by this Treaty.
4. The Council may request advisory opinions from the Court in accordance with this Treaty.
 5. The Council shall cause all regulations and directives made or given by it under this Treaty to be published in the Gazette; and such regulations or directives shall come into force on the date of publication unless otherwise provided therein.

ARTICLE 15

Meetings of the Council

1. The Council shall meet twice in each year, one meeting of which shall be held immediately preceding a meeting of the Summit. Extraordinary meetings of the Council may be held at the request of a Partner State or the Chairperson of the Council.
2. The Council shall determine its own procedure including that for convening its meetings, for the conduct of business thereat and at other times, and for the rotation of the office of Chairperson among its members who are Ministers responsible for regional co-operation in the Partner States.

3. A member of the Council who is the leader of his or her Partner State's delegation to a meeting of the Council, may record his or her objection to a proposal submitted for the decision of the Council and, if any such objection is recorded, the Council shall not proceed with the proposal and shall, unless the objection is withdrawn refer the matter to the Summit for decision.
4. Subject to a protocol on decision-making, the decisions of the Council shall be by consensus.
5. The protocol referred to in paragraph 4 of this Article shall be concluded within a period of six months from the entry into force of this Treaty.

ARTICLE 16

Effects of Regulations, Directives, Decisions and Recommendations of the Council

Subject to the provisions of this Treaty, the regulations, directives and decisions of the Council taken or given in pursuance of the provisions of this Treaty shall be binding on the Partner States, on all organs and institutions of the Community other than the Summit, the Court and the Assembly within their jurisdictions, and on those to whom they may under this Treaty be addressed.