

**REPORT OF THE EACO LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO
THE REGULATORY ASSEMBLY, JULY 2019 TO JUNE 2021**

1.0 Introduction

This report highlights the activities performed by the Legal and Constitutional Affairs Committee (LCAC) for the period beginning 1st July 2019 to 30th June 2021.

2.0 Terms of Reference for the Committee (TORs)

The TORs for the LCAC Committee are attached as **Annex I** to this report.

3.0 Activities Performed by the Committee

3.1 Attendance of EXCOM meetings and Review of Article 9 of EACO Constitution

Noted 1:

Most members of the Executive Committee (EXCOM) i.e, the CEOs/DGs, did not attend meetings but directed other officials to represent them in these meetings. Hence, when decisions were made by representatives who attended these meetings, the CEOs/DGs would query their decisions. Therefore, the EXCOM directed that a clause be incorporated in the EACO Constitution under Article 9, on EXCOM representation.

Agreed 1:

The following new clauses were proposed under article 9:

- (a) The Chairperson of EXCOM shall preside at all meetings of the EXCOM and in his/her absence, the next Head of EXCOM in the line of Rotation shall act as Chairperson.
- (b) If a substantive CEO/DG is not able to attend EXCOM meeting, he/she may designate a Representative to attend the meeting. A Designation of Representative Form to be signed by the Authorising member of EXCOM and the Representative Officer as attached as **Annex II**.
- (c) The Designated Representative shall for the purpose of that meeting have all Powers, Duties and Responsibilities of the Member of EXCOM for whom that person is acting, except the duty to act as Chairperson of the meeting.
- (d) If a substantive CEO/DG fails to attend two meetings consecutively, the Chairperson of EXCOM will issue a letter of reminder to him/her to attend meetings.
- (e) If a substantive CEO/DG fails to attend EXCOM three meetings, he/she loses the right of power to vote in the next two meetings. The representative of such EXCOM member will also not have right of power to vote in the next two meetings.

This article was approved by the 26th EXCOM held on 25th June 2020.

3.2 Assessment of Members who signed the new Constitution and are not complying with members' obligations as per article 6 of the EACO Constitution

Noted 2:

Some members did not sign the new Constitution, also, were not participating in EACO activities, and stopped paying their membership fees.

Agreed 2:

The relevant members were to be sensitized on the benefits of associating with EACO. The Secretariat was to develop and send a questionnaire to these members and find out why they did not sign the new EACO Constitution, why they were not paying membership fees, and not participating in EACO activities.

The Questionnaire was circulated to relevant members, but only one member responded and did not provide answers to the questions.

Way forward

Consideration of a new proposal on the Signature of the EACO Constitution.

3.3 Review the draft Rules of Procedure of Organs of EACO

Noted 3:

The 1st draft of the EACO Rules of Procedure for its Organs, needed to be substantially reviewed in line with the Strategic Plan (2018-2023) and the EACO Constitution.

Agreed 3:

The Committee reviewed the Rules of Procedure for organs of EACO in sync with the EACO Constitution as attached as **Annex III**. The document will be represented to the 28th EXCOM scheduled on 29th to 30th June 2021, for consideration and approval, subsequently for onward transmission to Congress for ratification.

3.4 Review of EACO MOUs

Noted 4:

The MOUs between EACO and JMAT, CPI, and Smartphone Initiative project, were reviewed.

Agreed 4:

Observations were provided accordingly.

4.0 RECOMMENDATIONS

4.1 The **REGULATORY ASSEMBLY** is invited to note, consider and adopt the report of LCAC for the period July 2019 to June 2021.

EACO'S APPLICATION TO BECOME AN INSTITUTION OF EAC

EACO has been engaged in the process of becoming an institution of the EAC. The request was first presented in January 2018, during the 7th Meeting of the Committee of Heads of Communications Regulatory Authorities.

A concept Paper was formulated and the 16th (Transport, Communications and Meteorology)TCM directed the EAC Secretariat to convene a Technical meeting to consider the comments and finalise the concept paper. The 8th meeting of the Heads of Communications Regulatory Authorities held virtually on 9th to 11th February 2021, reviewed the comments received from Partner States.

The members of the LCAC participated in the EAC meetings of experts held on 4th to 6th May 2021, in Mwanza Tanzania, to provide guidance on legal issues in the concept paper. The experts' meeting recommended to the Council of Ministers of TCM, to approve the establishment of an Institution to coordinate the communications sector in the EAC.

This agenda has progressed well and soon it will be considered by the EAC Council of Ministers for final decision. EA countries are in support of the establishment of an EAC institution to coordinate communications issues; and propose that EACO be upgraded to becoming an EAC institution.

Recommendation.

Wish the Regulators to engage Ministers and Governments of their countries to support the EACO's application on becoming an Institution of the EAC.

The Council Meeting of EAC, will congregate in November 2021 to discuss EACO's application. So Regulators need to lobby and support this agenda so that EACO is endorsed as an Institution of EAC to handle communication issues.

4.2 PROVIDE GUIDANCE as it may deem fit.

Presented by:

CHAIRPERSON OF LCAC

JUNE, 2021