****

**REPORT OF THE EACO LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE MEETING OF 31ST AUGUST TO 2nd SEPTEMBER 2015**

The East African Communications Organisation (EACO) Legal and Constitutional Affairs Committee (LCAC) meeting was held between the 31st August and 2nd September 2015 in Kigali, Rwanda. The meeting was hosted by the EACO Secretariat.

The list of participants is captured in **Annex I.**

# AGENDA

# The following agenda was adopted:

1. Opening remarks and adoption of the agenda
2. Consideration of Congress Report 2015
3. Consideration of the EACO Strategic Plan 2015/18
4. Review of previous Work Plan and Development of Work Plan 2015/2016
5. Review of the EACO Constitution
6. Dispute Settlement Procedures
7. Any Other Business
   1. **Opening remarks and adoption of the agenda**

The Chairperson welcomed members and presented the agenda to the meeting. She informed members that this was the first meeting after the 21st Congress. She noted that the committee member from Tanzania had communicated that he was unable to make it to the meeting. With these remarks she wished the Committee fruitful deliberations.

The proposed Agenda was adopted by Members.

1. **Consideration of the Congress Report 2015**

The Members reviewed the report of the 21st Congress held in Kampala in June 2015.

**Noted 1**:

The chairperson of LCAC presented to Congress the following;

1. Rules of procedures for Committees and Working Groups
2. Rules of Procedures for Assemblies and Congress
3. Guidelines and Working Methods for EACO Working Groups and Committees
4. A proposal to amend Article 8 (vi) of the EACO Constitution to delegate its power to establish Working Groups to the Executive Committee.

**Noted 2:** The 21st Congress adopted the following;

1. Rules of procedures for Committees and Working Groups
2. Rules of Procedures for Assemblies and Congress as presented
3. Guidelines and Working Methods for EACO Working Groups and Committees
4. The amendment of Article 8 (vi) of the EACO Constitution to delegate its power to establish Working Groups to the Executive Committee
5. The proposal for EACO to become a Restricted Union of the UPU

**Noted further;** the 21st Congress decisions:

1. that Working Groups that had not accomplished their ToRs, should continue until the next Congress;
2. requiring the Secretariat to schedule joint WGs meetings where cross-cutting issues arise;
3. asking the Secretariat to update all the documents uploaded on the EACO website; and
4. requiring LCAC to consider making proposals for provision of Working Parties in the Guidelines and Working Methods for Committees and Working Groups.
5. **EACO Strategic Plan 2015/18**

The Liaison Manager/Human Resource and Administration presented to the Committee the EACO Strategic Plan 2015/18. He highlighted the following;

1. EACO strategic themes;
2. EACO Strategic Objectives;
3. EACO Initiatives;
4. Performance Indicators; and
5. Activities for the period 2015/18

In discussing the Strategy, the Committee noted the activities that LCAC would be required to undertake during the period towards the realisation of EACO Objectives, including;

1. the review of Memoranda of Understanding between EACO and other organs/agencies as may be required from time to time;
2. the review of frameworks such as *Promotion of Innovation and Wealth Creation Framework* as well as the *Research and Development* *Strategy*. The Committee would only be involved in the legal matters arising in respect to the Framework and Strategy as developed by the respective Committees or Working Groups; and
3. to ensure that all recommendations are consolidated in the respective documents presented by LCAC to the 21st Congress to facilitate publishing of the same by the Secretariat on the EACO Website.
4. **Review of previous Work Plan and Development of Work Plan 2015/2016**

The meeting reviewed the Work plan for the period 2014/15 so as to determine the status of its implementation. It was noted that the following tasks had not been completed;

1. Procedures for Imposition of Sanctions;
2. Dispute Settlement Procedures; and
3. Rights and Obligations of Parties to EACO.

The Committee further considered the EACO Strategic Plan 2015/18 in order to determine the activities that LCAC would be required to undertake.

On the basis of the two documents, the following Work Plan was developed for the period 2015/16.

|  |  |  |
| --- | --- | --- |
| **Item** | **Next Task by June 2016** | **2015/16** |
| * 1. Consolidate EACO Member comments to the respective documents presented by LCAC during the 21st Congress | Submit final documents to EACO Secretariat for publishing |  |
| * 1. . Review of the Constitution   (i) Delegation of Powers  (ii) Review Rights and Obligations of Members | Present draft proposals to EXCOM and Assemblies | Refine drafts with comments from EXCOM and Assemblies and present to Congress for approval. |
| * 1. Develop Dispute Settlement Procedures | Present draft proposals to EXCOM and Assemblies | Refine drafts with comments from EXCOM and Assemblies and present to Congress for approval. |
| * 1. Develop Imposition of Sanctions Procedures | To obtain approval from EXCOM to resume the development of the Imposition of Sanctions Procedures | Present draft proposals to EXCOM.  Refine drafts with comments from EXCOM and present to Congress for approval. |
| * 1. Review of Working Methods of Committees of EACO | Present draft proposals to EXCOM and Assemblies | Refine drafts with comments from EXCOM and present to Congress for approval. |
| * 1. Review of Guidelines for Working Groups and Committees | Present draft proposals to EXCOM and Assemblies | Refine drafts with comments from EXCOM and present to Congress for approval. |

1. **Review of the Constitution**

The Committee noted that certain functions which require urgent attention were vested in Congress and yet Congress meets every two (2) years. A two year wait would stifle the operations of EACO. Therefore, the Committee proposed amendments to the Constitution to delegate the following powers to the EXCOM;

|  |  |  |
| --- | --- | --- |
|  | **Function** | **Justification** |
| **1** | Grant of Membership (art 4)  Grant of observer status (art 5) | Frequent requests from interested parties to join EACO or participate in its meetings and other activities |
| **2** | To consider and approve the strategic plan of EACO (art 8) | The strategic Plan is reviewed every three (3) years therefore its approval do not necessary coincide with the Congress |
| **3** | To appoint Committees and Working Groups (art 8) | This has been approved by the 21st EACO Congress and only needs to be inserted in the Constitution to reflect this amendment. |
| **4** | To approve guidelines for the functioning of committees and working groups (art 13) | Necessary to enable Committee/ Working Groups to function once  appointed by EXCOM |
| **5** | To establish rules of procedures for EACO organs (Art 16)-specifically for Committee/ Working Group | Necessary to enable Committee/ Working Groups to function once  appointed by EXCOM |
| 6 | Settlement of disputes (art 19) | To ensure justice is dispensed in a timely manner |
| 7 | Approve EACO Relationships with other international bodies (art 20 ) | This is an administrative matter however, advice from relevant assemblies prior to a decision by EXCOM may be sought by the Secretariat |

The Committee further proposed amendments to the following articles of the Constitution;

1. Article 6 on Rights and Obligations of Members; and
2. Article 13 on Committee(s) and Working Groups

Here to attached and marked Annex **‘II’** isthe EACO Constitution with the proposed amendments.

1. **Dispute Settlement Procedures**

Pursuant to Article 19 of the East African Communications Organisation (EACO) Constitution, the Committee developed dispute resolution procedures to guide resolution of disputes pertaining to the interpretation and application of the EACO Constitution.

Hereto attached and marked Annex **‘III’** isthe Draft Dispute Settlement Procedure.

1. **Any Other Business**

The Committee;

1. Tasked Mr. Jacques Kabiru and Mr. Alexis Kubwimana to consider the provisions on Working Parties and share the same with the committtee by January 2016.
2. Agreed to undertake a bench marking exercise on Dispute Settlement and tasked Mr. Abraham Sendama to identify suitable institutions and share the same with the committtee by November 2015.
3. Noted that its member from Tanzania has not attended three (3) meetings. It was hence recommended that the Secretariat should follow up on the participation of Tanzania at future meetings.
4. Urged the secretariat to encourage the participation of operators in LCAC Meetings.
5. Proposed that the venue for the next LCAC meeting be in Tanzania.

There being no other business the meeting was concluded.

Lyn Cherono Joan Kyomugisha

**Chairperson Rapportuer**

**Annex 1: List of Participants**

**Annex 2: Agenda**

****

**Annex 3: Work Plan**

****