
THE EAST AFRICAN COMMUNITY
BILLS SUPPLEMENT

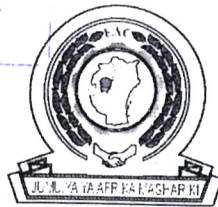
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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017

MEMORANDUM

The object of this Bill is to provide for the taking and administering of oaths in relation to specific persons appointed to serve in the Organs or Institutions of the Community or required to take oath before giving evidence in the East African Court of Justice.

An oath is a solemn declaration or attestation by which an individual signifies that he or she is bound in conscience to perform a particular act truthfully, faithfully or with loyalty to a particular body.

Whereas there are specific persons who are required by the Treaty like in the case of Judges and Registrars of the East African Court of Justice or an Act of the Community like in the case of Members of the East African Legislative Assembly, in all other cases oaths of office or allegiance are administered and taken in accordance with staff rules and regulations or by practice.

The taking and administering of an oath should be provided for by statute.

The Bill therefore seeks to provide an obligation on persons in the employment or service of the Community and those appearing before judicial or quasi-judicial organs or institutions of the Community to take or make oath before discharging their specific duties. In each case the Bill provides for the person to administer the oath and the organ, institution or person before whom the oath should be taken or made.

Rt. HON. DR. ALI KIRUNDA KIVEJINJA,
Chairperson Council of Ministers.

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017

ARRANGEMENT OF CLAUSES

Clause

1. Short title.
2. Interpretation.
3. Obligation to take an oath.
4. Unnecessary repetition of oaths.
5. Omission to take oath.
6. Form and manner in which oaths are taken.
7. Affirmation.
8. Regulations.

First Schedule— Administration of Oaths

Second Schedule— Oaths to be taken

Third Schedule— Affirmations to be taken

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017.

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY OATHS ACT, 2017.

An Act to provide for the taking and administering of oaths and for other connected purposes.

ENACTED by the East African Community and assented to by the Heads of State

1. This Act may be cited as the East African Community Oaths Act, 2017. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Council” means the Council of Ministers of the East African Community established by Article 9 of the Treaty;

“Community” means the East African Community established by Article 2 of the Treaty;

East African Community Oaths Bureau Bill, 2017

“Judge” means a Judge of the East African Court of Justice serving on the First Instance Division or the Appellate Division;

“Oath” means a solemn declaration signifying undertaking to serve the Community; and

“Treaty” means the Treaty for the Establishment of the East African Community.

Obligation to take an oath.

3. (1) A person appointed to an office specified in the first column of the First Schedule shall take the oath of allegiance and the oath of secrecy to the Community.

(2) The oaths referred to in subsection (1) are set out in the Second Schedule.

(3) The oaths shall be administered by the person specified in the second column of the First Schedule and taken or made before the authority specified in the third column of the First Schedule.

Un-necessary repetition of oaths.

4. A person who is called upon to assume the duties and responsibilities of a post above his or her own in acting capacity provided he or she has the necessary qualifications for appointment to such a post shall not be required to take any oath on the occasion of that appointment.

Omission to take oath.

5. (1) This Act shall not render invalid any act done by a person specified in column 1 of the First Schedule in the execution of his or her official duties by reason only of the omission by that person to take any oath or to make any affirmation which the person should take or should have taken or should make or should have made.

(2) A person who declines, neglects or omits to take the oath or affirmation under this Act shall_

(a) if he or she has assumed the duties of the office, be deemed to have vacated that office from the date of refusal; and

(b) if he or she has not assumed the duties of the office, be disqualified from assuming the duties of the office.

6. (1) Whenever a person is required to take an oath under this Act, or any other law of the Community, the person taking the oath shall, if that person is a Christian hold the Bible or if that person is a Muslim, hold the Quran, in his or her uplifted hand, and shall say the words indicated in the appropriate oath. Form and manner in which oaths are taken.

(2) For the purposes of this section, where a person taking the oath is physically incapable of holding the Bible or Quran, whichever the case may be, in his or her uplifted hand, he or she may hold the copy otherwise, or, if necessary, the copy may be held before him or her by the person administering the oath.

7. A person appointed to an office of the Community who does not take oath as required under section 3 shall in lieu of taking oath make an affirmation of secrecy and allegiance as prescribed in the Third Schedule. Affirmation.

8. The Council may make regulations for the better carrying into effect, the provisions of this Act. Regulations.

SCHEDULES

FIRST SCHEDULE

s.3 (1).

Taking and administering oaths

| Person required to take oath | Administering authority | Organ/Institution/ person before whom Oath is taken |
|---|--------------------------------|--|
| Secretary General | | |
| Deputy Secretary General | Judge | Summit |
| Speaker of the Assembly | Clerk of the Assembly | Assembly |
| Judge | Registrar | Summit |
| Member of the Assembly | Clerk of the Assembly | Speaker of the Assembly |
| Clerk | Counsel to the Community | Speaker of the Assembly |
| Registrar | Counsel to the Community | Summit |
| Other Member of Staff of the Community | Counsel to the Community | Secretary General or his or her appointed representative. |
| Person performing quasi-judicial functions on behalf of the Community | Counsel to the Community | Secretary General or his or her appointed representative. |
| Commissioner of the East African Community and such other similar designations. | Counsel to the Community | Secretary General or his or her appointed representative. |
| Witness in the East African Court of Justice | Court Clerk | Judge |

SECOND SCHEDULE

s.3(2)

Oaths to be taken.

**OATH OF ALLEGIANCE
OATH OF SECRETARY GENERAL AND DEPUTY
SECRETARY GENERAL**

I _____ having
been appointed SECRETARY GENERAL/DEPUTY SECRETARY
GENERAL of the East African Community do solemnly swear to
exercise loyalty, discretion and conscience in the performance of the
functions entrusted to me, in accordance with the provisions of the
Treaty for the Establishment of the East African Community, and
regulate my conduct with the interests of the Community and not to
seek or accept instructions in regard to the performance of my duties
from any Partner State or other authority external to the Community.
So help me God.

.....
Declarant

Sworn before the Summit on the day of 20....

OATH OF SPEAKER OF THE ASSEMBLY

I _____ do swear that I will truly and faithfully serve the East African Legislative Assembly in the Office of the Speaker and that, in the exercise of the roles and functions of this office, I will do right to all manner of persons; according to the Treaty for the Establishment of the East African Community, Rules of Procedure, privileges, conventions and traditions of this Assembly; and that I will not directly or indirectly reveal any matter referred to the Assembly and committed to my secrecy.

So help me God.

.....
Declarant

Sworn before the Assembly on day of 20...

OATH OF MEMBER OF ASSEMBLY

I _____
do swear that, I will give true and faithful service to this Assembly
and that I will be faithful and bear true allegiance to the East African
Community and will preserve, protect and defend the Treaty for the
Establishment of the East African Community as by law
established.

So help me God.

.....
Declarant

Sworn before the Speaker of the Assembly on the
day of20.....

OATH OF JUDGE OF THE EAST AFRICAN COURT OF JUSTICE

I do solemnly swear that I will be faithful and bear true allegiance to the East African Community, and that I will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

So help me God.

.....
Declarant

Sworn before the Summit on the day of 20....

JUDICIAL OATH

I, do solemnly swear that I will well and truly serve the East African Community, in the Office of Judge/Registrar of the East African Court of Justice and that I will do justice in accordance with the Treaty for the Establishment of the East African Community as by law established and in accordance with the laws and customs of the East African Community without fear or favour, affection or ill will.

So help me God.

.....
Declarant

Sworn before the Summit on the day of 20....

**OATH OF REGISTRAR/DEPUTY REGISTRAR OF THE
EAST AFRICAN COURT OF JUSTICE**

I do solemnly swear that I will be faithful and bear true allegiance to the East African Community, and that I will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

So help me God.

.....
Declarant

Sworn before the Summit the day of 20....

OATH OF MEMBER OF STAFF OF THE COMMUNITY

I solemnly swear to exercise in all
loyalty discretion and conscience the functions entrusted to me as a
member of staff of the Community in the office of
..... and to discharge these functions and regulate
my conduct with the interest of the Community and not seek or
accept instructions in regard to the performance of my duties from
any Partner State or other authority external to the Community.
So help me God.

.....
Declarant

Sworn before the Secretary General on the ... day of 20.....

**OATH OF ALLEGIANCE FOR COMMISSIONERS OF THE
ORGANS AND INSTITUTIONS OF THE EAST AFRICAN
COMMUNITY OR OTHER SIMILAR DESIGNATIONS**

I having been appointed
COMMISSIONER of of the East African
Community solemnly swear that I will exercise loyalty, discretion
and conscience in the performance of the functions entrusted to me
as a Commissioner of of the East African
Community in accordance with the provisions of the Treaty for the
Establishment of the East African Community, and regulate my
conduct with the interests of the Community and not to seek or
accept instructions in regard to the performance of my duties from
any Partner State or other authority external to the Community.

.....
Declarant

Sworn before the Secretary General on the day of
..... 20....

**OATH OF ALLEGIANCE OF PERSONS PERFORMING
QUASI-JUDICIAL FUNCTIONS ON BEHALF OF THE
COMMUNITY**

I having been appointed
.....of of the East African
Community solemnly swear that I will exercise loyalty, discretion
and conscience in the performance of the functions entrusted to me
as aof of the East African
Community in accordance with the provisions of the Treaty for the
Establishment of the East African Community, and regulate my
conduct with the interests of the Community and not to seek or
accept instructions in regard to the performance of my duties from
any Partner State or other authority external to the Community.

.....
Declarant

Sworn before the Secretary General on the day of
..... 20....

**OATH OF SECRECY OF THE SECRETARY
GENERAL/DEPUTY SECRETARY GENERAL**

I....., do solemnly swear that I will not directly or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge during the discharge of my duties except as may be required for the discharge of my official duties or as may be specially permitted by the Summit of Heads of State and the Council of Ministers.

So help me God.

.....
Declarant

Sworn before the Summit on the day of 20...



**OATH OF WITNESS AT THE EAST AFRICAN
COURT OF JUSTICE**

I swear that I shall tell the truth, the
whole truth and nothing but the truth

So help me God.

.....
Declarant

Sworn before Judge..... on the day of 20...

OATH OF SECRECY FOR MEMBERS OF STAFF

I, do solemnly swear that I will not directly or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge during the discharge of my duties except as may be required for the discharge of my official duties or as may be specially permitted by the Council of Ministers.

So help me God.

.....
Declarant

Sworn before the Secretary General on the day of
20...

THIRD SCHEDULE

S. 7

Affirmations to be taken

**AFFIRMATION OF SECRETARY GENERAL AND
DEPUTY SECRETARY GENERAL**

I having been appointed
SECRETARY GENERAL/DEPUTY SECRETARY GENERAL of
the East African Community solemnly, sincerely and truthfully
affirm that I will exercise loyalty, discretion and conscience in the
performance of the functions entrusted to me, in accordance with
the provisions of the Treaty for the Establishment of the East
African Community, and regulate my conduct with the interests of
the Community and not to seek or accept instructions in regard to
the performance of my duties from any Partner State or other
authority external to the Community.

.....
Declarant

Affirmed before the Summit on the day of 20....

AFFIRMATION OF SPEAKER OF THE ASSEMBLY

I solemnly, sincerely and truthfully affirm that I will truly and faithfully serve the East African Legislative Assembly in the Office of the Speaker and that, in the exercise of the roles and functions of this office, I will do right to all manner of persons; according to the Treaty for the Establishment of the East African Community, Rules of Procedure, Privileges, Conventions and Traditions of this Assembly; and that I will not directly or indirectly reveal any matter referred to the Assembly and committed my secrecy.

.....
Declarant

Affirmed before the Assembly on day of
..... 20...

AFFIRMATION OF MEMBER OF ASSEMBLY

Isolemnly, sincerely and truthfully affirm that, I will give true and faithful service to this Assembly and that I will be faithful and bear true allegiance to the East African Community and will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

.....
Declarant

Affirmed before the Speaker of the Assembly on the
day of 20....

**AFFIRMATION OF JUDGE OF THE EAST AFRICAN
COURT OF JUSTICE**

I solemnly, sincerely and truthfully affirm that I will be faithful and bear true allegiance to the East African Community, and that I will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

.....
Declarant

Affirmed before the Summit on the day of 20....



JUDICIAL AFFIRMATION

I,, solemnly, sincerely and truthfully affirm that I will well and truly serve the East African Community, in the Office of Judge/Registrar of the East African Court of Justice and that I will do justice in accordance with the Treaty for the Establishment of the East African Community as by law established and in accordance with the laws and customs of the East African Community without fear or favour, affection or ill will.

.....
Declarant

Affirmed before the Summit on the day of
..... 20..

**AFFIRMATION OF REGISTRAR/DEPUTY REGISTRAR
OF THE EAST AFRICAN COURT OF JUSTICE**

I solemnly, sincerely and truthfully affirm that I will be faithful and bear true allegiance to the East African Community, and that I will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

.....
Declarant

Affirmed before the Summit the day of 20....

**AFFIRMATION OF MEMBER OF STAFF OF THE
COMMUNITY**

I solemnly, sincerely and truthfully affirm to exercise in all loyalty discretion and conscience the functions entrusted to me as a member of staff of the Community in the office of to discharge these functions and regulate my conduct with the interest of the Community and not seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Community.

.....
Declarant

Affirmed before the Secretary General on the day of
..... 20....

**AFFIRMATION OF ALLEGIANCE FOR
COMMISSIONERS OF THE ORGANS AND
INSTITUTIONS OF THE EAST AFRICAN COMMUNITY
OR OTHER SIMILAR DESIGNATIONS**

I having been appointed
COMMISSIONER of of the East African
Community solemnly, sincerely and truthfully affirm that I will
exercise loyalty, discretion and conscience in the performance of the
functions entrusted to me as a Commissioner of of the
East African Community in accordance with the provisions of the
Treaty for the Establishment of the East African Community, and
regulate my conduct with the interests of the Community and not to
seek or accept instructions in regard to the performance of my duties
from any Partner State or other authority external to the Community.

.....
Declarant

Affirmed before the Secretary General on the day of
..... 20....

**AFFIRMATION OF ALLEGIANCE OF PERSONS
PERFORMING QUASI-JUDICIAL FUNCTIONS ON
BEHALF OF THE COMMUNITY**

I having been appointed
.....of of the East African
Community solemnly, sincerely and truthfully affirm that I will
exercise loyalty, discretion and conscience in the performance of the
functions entrusted to me as aof of
the East African Community in accordance with the provisions of
the Treaty for the Establishment of the East African Community,
and regulate my conduct with the interests of the Community and
not to seek or accept instructions in regard to the performance of my
duties from any Partner State or other authority external to the
Community.

.....
Declarant .

Affirmed before the Secretary General on the day of
..... 20....

**AFFIRMATION OF WITNESS AT THE EAST AFRICAN
COURT OF JUSTICE**

I solemnly, sincerely and truthfully affirm that I
shall tell the truth, the whole truth and nothing but the truth

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Declarant

Affirmed before Judge..... on the day of 20...

AFFIRMATION OF SECRECY FOR MEMBERS OF STAFF

I....., solemnly, sincerely and truthfully affirm that I will not directly or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge during the discharge of my duties except as may be required for the discharge of my official duties or as may be specially permitted by the Summit of Heads of State and the Council of Ministers.

.....
Declarant

Affirmed before the Secretary General on the day of
..... 20...