

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE EAST AFRICAN COMMUNITY (EAC)

AND

CUTS AFRICA RESOURCE CENTRE, NAIROBI (CUTS ARC)

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by **THE EAST AFRICAN COMMUNITY** an intergovernmental organization established by The Treaty for the Establishment of the East African Community of **P. O. Box 1096, ARUSHA, TANZANIA** (hereinafter referred to as “**EAC**”) of the one part;

And

CUTS Africa Resource Centre, a NGO established and registered under Societies Act of the Republic of Kenya and of **P. O. Box 8188-00200 NAIROBI, KENYA** (hereinafter referred to as “**CUTS ARC**”) of the other part;

CONSIDERING the aims and objectives of EAC include, inter alia, the following:-

- a) promotion of sustainable growth and equitable development of Partner States including rational utilisation of the regions’ natural resources and protection of the environment;
- b) strengthening and consolidating the long standing political, economic, social, cultural and traditional ties by Partner States and associations between the people of the region in promoting a people centred mutual development;
- c) enhancing and strengthening participation of the private sector and civil society;
- d) mainstreaming of gender in all its programmes and enhancement of the role of women in development;
- e) promotion of good governance including adherence to the principles of democratic rule of law, accountability, transparency, social justice, equal opportunities and gender equality ; and
- f) promotion of peace and stability within the region, and good neighbourliness among the Partner States.

CONSIDERING that the objectives of CUTS ARC include, inter alia, to:-

- a) To initiate, undertake and aid directly or through its affiliated bodies, projects for the furtherance of consumer and public interest/welfare, including those relating to trade and development, competition and regulation, environment, health care, general awareness, empowerment and socio-economic development;
- b) To publish studies, periodicals, reports and other literature relating to the above subjects ;

- c) To undertake, research and case studies in respect of consumer welfare, including in particular those relating to trade and development, competition and regulation, environment, health care, general awareness, empowerment and socio-economic development;
- d) To advise and if necessary, assist the governments and the concerned authorities in framing and enforcing laws to safeguard the interest of the consumers, including those relating to trade and development, competition and regulation, environment, health care, general awareness, empowerment and socio-economic development in rural areas.;
- e) To co-operate with and seek co-operation from regional and international agencies, Government and non- Governmental bodies engaged in activities similar to those of CUTS ARC;
- f) To promote, organize and facilitate conferences, seminars, lecturers, training and other similar activities in furtherance of the aforesaid objectives

NOTING THAT EAC and CUTS ARC have, in principle agreed to cooperate and work together in realizing the aforementioned goals and objectives;

NOW, THEREFORE, EAC and CUTS ARC agree as follows:

ARTICLE 1

TERMS OF CO-OPERATION

1. EAC undertakes to:-
 - a) provide to CUTS ARC where available assistance and resources from Partner/Member States, cooperating partners, and /or other sources for the purposes of promoting and strengthening trade and development, competition and regulation, agricultural research, addressing climate change, food security and poverty reduction and development generally in the eastern African region;
 - b) provide and table before its committees any policies and issues from CUTS ARC which require the attention of such committees particularly with regard to policy making and policy harmonisation, trade facilitation and other related institutional and flanking policies relevant for trade to foster development; and
 - c) Invite CUTS ARC representatives to attend any relevant technical and policy meetings it convenes to discuss issues related to trade, investment, competition, regulation and agriculture development in particular within its resources limitation.
2. CUTS ARC undertakes to:
 - a) handle all functions/tasks as shall be mutually agreed upon between CUTS ARC and EAC in fulfilling the above objectives within the limitations of its resources;
 - b) avail to EAC such research outputs, reports, publications and information related to trade, development, competition and regulation in the region as appropriate;

- c) respond to any invitations to participate in EAC functions related to trade, investment, competition, regulation, agriculture and commodities, subject to limitations of resources;
 - d) avail technical and analytical reports for consideration/information of EAC technical and policy structures; and
 - e) invite representatives of EAC to its annual meetings, and other relevant specific forums as the case may be;
 - f) assist the EAC in the regional integration process through sensitization and consultations on the same with the civil society and other stakeholders.
3. EAC and CUTS ARC undertake to jointly:-
- a) undertake research to promote development and poverty reduction through trade throughout the region by creating a conducive environment for trade and removing barriers to such trade;
 - b) undertake studies to identify policy measures required to increase productivity of the agriculture sector in the region including by bringing in regional and international best practices;
 - c) to prepare a regional food security policy;
 - d) undertake studies in order to develop regional capacity for agriculture products quality certification including institutionalisation of regionally harmonized SPS (sanitary and phytosanitary) and product quality standards;
 - e) undertake research on the relationship between climate change, agriculture and poverty in the region with a view to come up with recommendations for an action plan to address these issues;
 - f) examine the EAC Competition Act 2006 and related Regulations in relation to the national competition laws and policies with a view to come up with recommendations on making the two jurisdictions mutually effective in enhancing competition in the region, and examine the EAC Treaty with a view to identify jurisdictional issues needing attention by policy makers;
 - g) undertake other activities with mutual agreement with a view to enhance the benefits of trade, competition and regulation to the member states of the EAC; and
 - h) Hold jointly organized meetings/workshops, as the case may be, on subjects of mutual interest in the Eastern African region.

ARTICLE 2 AMENDMENT

The parties to this memorandum by mutual consent may add, modify, amend or delete any words, phrases, sentences or articles in this memorandum of understanding.

**ARTICLE 3
DISPUTE RESOLUTION**

Both parties to settle all disputes among themselves through mutual negotiations/consultations.

**ARTICLE 4
TERMINATION**

Any party desirous of terminating this Memorandum of Understanding shall give the other party three months notice in writing and such termination will release all the parties of their obligations under this memorandum provided that the parties will ensure that all projects in progress are, as far as possible, permitted to be completed in an orderly manner within an agreed period.

**ARTICLE 5
NOTICES AND ADDRESSES**

Any notice or request required or permitted to be given or made under this MoU shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall have been delivered by hand, mail, fax, or e-mail to the Party to which it is addressed or made at such Party's address specified or such other address as shall be hereafter notified in writing.

**ARTICLE 6
DISCLOSER**

Neither party will use any confidential information of the other party except as expressly authorized in writing by the other party. Each party shall use the same degree of care to protect the disclosing party's confidential information as it uses to protect its own confidential information of like nature.

**ARTICLE 7
ENTRY INTO FORCE**

The present MOU shall enter into force upon signature by the duly authorized representatives of the EAC and CUTS.

IN WITNESS WHEREOF, the parties hereto this Memorandum of Understanding have through their duly authorised representatives affixed their signatures at ARUSHA on this 20TH day of JANUARY 2010.

FOR THE EAST AFRICAN
COMMUNITY (EAC)

FOR THE CUTS AFRICA
RESOURCECENTRE (CUTS ARC)

Name: Juma V. Kwarpeche

Name: CLEMENT V. ONYANGO
DIRECTOR

SECRETARY GENERAL, EAC

for
PRESIDENT, EXECUTIVE COMMITTEE, CUTS ARC

Signature: [Handwritten Signature]

Signature: [Handwritten Signature]

Date: 20.01.2010

Date: 20/01/2010

