

THE EASTERN AFRICA REGION

MEMORANDUM OF UNDERSTANDING ON THE ESTABLISHMENT OF THE EASTERN AFRICA STANDBY BRIGADE (EASBRIG)

**ADDIS ABABA, EHTIOPIA
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Memorandum of Understanding on the Establishment of the Eastern Africa Standby Brigade

We, the Member States of the Eastern Africa Region;

The Republic of Comoros
The Republic of Djibouti
The State of Eritrea
The Federal Democratic Republic of Ethiopia
The Republic of Kenya
The Republic of Madagascar
The Republic of Rwanda
The Republic of Seychelles
The Republic of Somalia
The Republic of the Sudan
The Republic of Uganda

Recalling the principles and objectives enshrined in the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the African Union;

Inspired by the commitment of the Member States to act collectively to preserve peace, security and stability, as essential prerequisites for economic development and social progress in the region;

Recalling that Chapter VIII of the United Nations Charter recognized the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

Reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

Determined to respond in a timely manner to conflicts in Africa particularly in Eastern Africa region;

Recognizing and re-affirming the principles of peaceful settlement of disputes and conflicts, respect for sovereignty, sovereign equality, territorial integrity, good neighborliness, interdependence, non-aggression and non-interference in the internal affairs of other States, and respect for boundaries inherited at independence;

Convinced that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the prevention of conflicts for the promotion of collective security, durable peace and security;

Desirous of establishing an operational structure for the effective implementation of the decision taken to pursue the objectives of promoting regional peace, security and stability and to create a mechanism for the prevention, management and resolution of inter-and intra-state conflicts;

Committed to act collectively to preserve peace, security and stability in the Eastern African region, to enhance regional co-operation and to eliminate all forms of threat thereto;

Desirous of establishing an effective mechanism of consultation and cooperation for the peaceful settlement of disputes in accordance with commitments of Member States in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

Cognizant of the decision adopted by the 3rd Ordinary Session of the African Union Heads of State and Government in Addis Ababa, Ethiopia, Doc. EX.CL/110(V);

Have Agreed as Follows:

Article 1
Definitions

In this Memorandum of Understanding, unless the context otherwise requires:

"African Standby Force" means the Force established under Article 2 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

"Assembly" means the Assembly of Eastern Africa Heads of State and Government of signatory states of this Memorandum of Understanding;

"Chairperson of the Assembly" means the Chairperson of the Assembly of Heads of State and Government of the Eastern Africa Region;

"Chairperson of the Council" means the Chairperson of the Council of Ministers of Defense and Security of the Eastern Africa Region;

"Committee of Chiefs of Defense Staff" (referred as 'EACDS' here in under) means the Eastern Africa Committee of Chiefs of Defense Staff of States signatories to this Memorandum of Understanding as Established under Article 2 of this Memorandum of Understanding;

"Council of Ministers" means the Eastern Africa Council of Ministers of Defense and Security of States signatories to this Memorandum of Understanding as Established under Article 2 of this Memorandum of Understanding;

"The Eastern Africa Standby Brigade "(referred as "EASBRIG" here in under) means a brigade drawn from the Eastern Africa Region as part of the African Standby Force;

"Eastern Africa Standby Brigade Headquarters" means the command headquarter of EASBRIG for force preparation and operational command;

"IGAD" means Inter-Governmental Authority on Development;

“Logistics Base” means the central logistical base for EASBRIG;

"Member State" means a member of the Eastern Africa Region.

"Peace and Security Council" means the Council established by Article 5(2) of the Constitutive Act establishing the African Union;

"PLANELM" means the planning element of EASBRIG;

"Regional Mechanisms" means mechanisms as envisaged under Article 16 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

Article 2

Establishment and Management of the Eastern Africa Standby Brigade

EASBRIG as part of the African Standby Force (ASF) is hereby established. The management of the EASBRIG shall consist of the Assembly of Eastern Africa Heads of State and Government, the Eastern Africa Council of Ministers of Defense and Security, the Eastern Africa Committee of Chiefs of Defense Staff, PLANELM, Eastern Africa Standby Brigade Headquarters and the Logistics Base.

Article 3

Objective

The objective of the Eastern Africa Standby Brigade is to carry out in a timely manner the functions of maintenance of peace and security as mandated by the Peace and Security Council of the African Union in accordance with the Constitutive Act of the African Union.

Article 4

Principles

The EASBRIG shall be guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the Protocol Relating to the Establishment of the Peace and

Security Council of the African Union, and other regional and international legal instruments.

Article 5
Organs of the Eastern Africa Standby Brigade

- 1) The organs of the EASBRIG are:
 - a. The Assembly of Eastern Africa Heads of State and Government;
 - b. The Eastern Africa Council of Ministers of Defense and Security;
 - c. The Eastern Africa Committee of Chiefs of Defense Staff';
 - d. PLANELM;
 - e. EASBRIG Headquarters; and
 - f. The Logistics Base.

Article 6
The Assembly of Eastern Africa Heads of State and Government

- 1) The Assembly of Heads of State and Government is the supreme authority of EASBRIG.
- 2) The Assembly of Heads of State and Government is composed of the Heads of State or Government of Member States.
- 3) The Assembly shall perform the following functions:
 - a. Formulate policy, and direct and control the functioning of EASBRIG;
 - b. Authorize the deployment of EASBRIG in accordance with the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the African Union.
- 4) The Assembly shall meet at least once a year and at any time upon the request of any Member State and upon the agreement of the majority of the Member States.

Article 7

The Council of Eastern Africa Ministers of Defense and Security

- 1) The Council of Ministers of Defense will comprise the Ministers of Defense and Security of Eastern Africa Member States that are Member States to this Memorandum of Understanding.
- 2) The function of the Council of Ministers of Defense and Security is to manage all aspects relating to the Eastern Africa Standby Brigade as set out in this Memorandum of Understanding and as shall be determined by the Assembly. The Minister of Eastern Africa Defense and Security of the country that chairs EASBRIG Assembly will also chair the Council of Ministers of Defense and Security.
- 3) After its first meeting the Council of Ministers of Defense and Security shall submit its rules of procedure for approval to the Assembly.
- 4) The Council of Ministers of Defense and Security will meet at least twice a year.
- 5) The Council of Ministers of Defense and Security will appoint the commander of EASBRIG upon recommendation of the Committee of the EACDS for stand-alone missions within the Eastern Africa region.

Article 8

The Committee of Eastern Africa Chiefs of Defense Staff

- 1) The EACDS will be composed of the Chiefs of Defense Staff of each Eastern Africa Member States to this Memorandum of Understanding of EASBRIG.
- 2) The function of the EACDS s to:
 - a. Serve as an advisory military committee of the Council of Ministers of Defense and Security and the Assembly; and
 - b. Oversee, direct and manage the PLANELM.
 - c. Oversee, direct and manage the EASBRIG Headquarters.
 - d. Oversee, direct and manage the Logistics Base.
- 3) The Chief of Defense Staff of the country that chairs the Assembly will also chair the EACDS.
- 4) After its first meeting, the EACDS shall submit its rules of procedure for approval to the Council of Ministers of Defense and Security.
- 5) The EACDS shall approve the objectives, staffing, annual work plan and budget of the PLANELM.

- 6) Meetings of the EACDS will rotate annually in accordance with the country that chairs the Assembly. Should a country not be able or willing to host, the meetings shall be held at the EASBRIG Headquarters or the PLANELM.
- 7) The EACDS will meet at least twice a year.

Article 9
The Eastern Africa Standby Brigade Headquarters

- 1) The Eastern Africa Standby Brigade Headquarters shall be composed of regional military and civilian staff on secondment from Eastern African Member States.
- 2) The function of the Brigade Headquarters is to serve as a command headquarters for force preparation and operational command of the Eastern Africa Standby Brigade. Upon deployment the Brigade will come under the operational control of the African Union or the United Nations, as applicable.
- 3) The Brigade Headquarters shall be responsible for the provision of secretarial services to the Committee of Eastern Africa Chiefs of Defense Staff.
- 4) The Eastern Africa Standby Brigade Headquarters shall be located in Ethiopia. Decision on the relocation of the headquarters shall be made by the Council of Ministers.

Article 10
The PLANELM

- 1) The PLANELM will be composed of a regional military and civilian staff on secondment from all Eastern African Member States.
- 2) The function of the PLANELM is to serve as multi-national full time planning headquarters for EASBRIG within the framework of the African Standby Force and the UN Standby Arrangement System.
- 3) In pursuit of the performance of its functions as set out in this Memorandum of Understanding, the PLANELM is empowered to enter into agreements with national and other training institutions.
- 4) The PLANELM shall submit a progress report at least quarterly and as necessary and in detail through the Committee of Eastern Africa Chiefs of Defense Staff to the Council of Eastern African Ministers of Defense and Security and the Peace and Security Council of the African Union.

- 5) The PLANELM shall be located in Kenya. Decision on the relocation of the PLANLEM shall be made by the Council of Ministers.

Article 11
The Logistics Base

- 1) The function of the Logistics Base is to serve as the Central regional base for maintaining, storage and management of the logistical infrastructure of the EASBRIG.
- 2) The Logistics Base shall receive personnel, material and other resources to be maintained and supplied for training and operations of EASBRIG.
- 3) The Logistics Base shall coordinate all activities involving logistics of EASBRIG, including but not limited to performing functions mandated by the African Union and/or the United Nations managing external assistance.
- 4) The Logistics Base shall be located in Ethiopia. Decision on the relocation of the Logistic Base shall be made by the Council of Ministers.

Article 12
Interim-Coordination and Funding Mechanism of EASBRIG

- 1) EASBRIG FUND is hereby established.
- 2) The Assembly shall determine the future procedures for soliciting and receiving funds.
- 3) The EASBRIG Fund shall come from:
 - a. Contributions from all Members States assessed in accordance with the AU mode of contributions; and
 - b. Grants, donations and contributions from member states and other sources.
- 4) The EASBRIG Fund will be independently audited on an annual basis. The results of the audit shall be made public.
- 5) The resources for the EASBRIG Fund shall be utilized for the purposes of conflict prevention, conflict management and peacekeeping.

- 6) IGAD shall play an interim coordination role. It, in conjunction with the AU and the UN, should undertake resource mobilization from member states, donors, partners and other regional economic communities.

Article 13
Amendments

- 1) Any Member State may propose an amendment to this Memorandum of Understanding
- 2) Proposals for amendment to this Memorandum of Understanding shall be made to the presiding Chairperson of the Council of Ministers of Defense and Security who shall transmit it to other Member States within thirty days of its receipt.
- 3) Amendments to this Memorandum of Understanding shall take effect by consensus, or failing that, by a vote of two third majority of Member States.

Article 14
Entry into Force

- 1) This Memorandum of Understanding shall enter into force 30 days after the signature by two thirds of the Member States.
- 2) This Memorandum of Understanding shall remain open for signature by any Member State of the Eastern Africa Region as defined in the Preamble of this Memorandum of Understanding.

Article 15
Withdrawal

- 1) Any Member State may withdraw from this Memorandum of Understanding by giving twelve (12) months written notice to the presiding Chairperson of the Assembly of its intention to withdraw.
- 2) During the period of 12 months, referred to in paragraph 1 of this article a Member State wishing to withdraw shall comply with the provisions of this Memorandum of Understanding and shall be bound to discharge its obligations incurred up to the date of such withdrawal.

Article 16
Settlement of Disputes

Any dispute arising from the interpretation and implementation of this Memorandum of Understanding (MoU), shall be settled amicably by the Committee of the Chiefs of Defense Staff. Failing this, the dispute shall be referred to the Council of Ministers and ultimately to the Assembly.

Article 17
Instruments

Member States may conclude such other instruments as may be necessary to accomplish the aims and objectives of this Memorandum of Understanding.

Done at _____ on the _____ day of _____ month, _____ in original texts in Kiswahili, Arabic, English and French languages all versions being equally authentic.

IN WITNESS WHEREOF, the following, duly authorized representatives of the Member States, HEREBY sign the Memorandum of Understanding: