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**LAW N°18/2018 OF 13/04/2018
APPROVING THE RATIFICATION OF THE
CONSTITUTION AND CONVENTION OF
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**LOI N°18/2018 DU 13/04/2018
APPROUVANT LA RATIFICATION DE LA
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L'UNION AFRICAINE DES
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Twebwe, KAGAME Paul,
Perezida wa Repubulika;

INTEKO ISHINGA AMATEGEKO YEMEJE, NONE NATWE DUHAMIJE, DUTANGAJE ITEGEKO RITEYE RITYA KANDI DUTEGETSE KO RYANDIKWA MU IGAZETI YA LETA YA REPUBULIKA Y'U RWANDA

INTEKO ISHINGA AMATEGEKO:

Umutwe w'Abadepite, mu nama yawo yo ku wa 12 Gashyantare 2018;

Sena, mu nama yayo yo ku wa 12 Werurwe 2018;

Ishingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavugururwe mu 2015, cyane cyane mu ngingo zaryo, iya 64, iya 69, iya 70, iya 85, iya 87, iya 88, iya 90, iya 91, iya 94, iya 95, iya 106, iya 120, iya 167, iya 168 n'iya 176;

LAW N°18/2018 OF 13/04/2018 APPROVING THE RATIFICATION OF THE CONSTITUTION AND CONVENTION OF THE AFRICAN TELECOMMUNICATIONS UNION (ATU) ADOPTED AT CAPE TOWN, REPUBLIC OF SOUTH AFRICA, ON 07 DECEMBER 1999

We, KAGAME Paul,
President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 12 February 2018;

The Senate, in its session of 12 March 2018;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 85, 87, 88, 90, 91, 94, 95, 106, 120, 167, 168 and 176;

LOI N°18/2018 DU 13/04/2018 APPROUVANT LA RATIFICATION DE LA CONSTITUTION ET LA CONVENTION DE L'UNION AFRICAINE DES TELECOMMUNICATIONS (ATU) ADOPTEES A CAPE TOWN, REPUBLIQUE D'AFRIQUE DU SUD, LE 07 DECEMBRE 1999

Nous, KAGAME Paul,
Président de la République;

LE PARLEMENT A ADOPTE ET NOUS SANCTIONNONS, PROMULGUONS LA LOI DONT LA TENEUR SUIT ET ORDONNONS QU'ELLE SOIT PUBLIEE AU JOURNAL OFFICIEL DE LA REPUBLIQUE DU RWANDA

LE PARLEMENT:

La Chambre des Députés, en sa séance du 12 février 2018;

Le Sénat, en sa séance du 12 mars 2018;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 64, 69, 70, 85, 87, 88, 90, 91, 94, 95, 106, 120, 167, 168 et 176;

Official Gazette n°16bis of 16/04/2018

Imaze gusuzuma Amategeko Shingiro n'Amasezerano by'Umuryango Nyafurika w'Itumanaho (ATU) byemerejwe i Cape Town, muri Repubulika y'Afurika y'Epfo, ku wa 07 Ukuboza 1999;

YEMEJE:

Ingingo ya mbere: Kwemera kwemeza burundu

Amategeko Shingiro n'Amasezerano by'Umuryango Nyafurika w'Itumanaho (ATU) byemerejwe i Cape Town, muri Repubulika y'Afurika y'Epfo, ku wa 07 Ukuboza 1999, biri ku mugereka, byemerewe kwemezwa burundu.

Ingingo ya 2: Itegurwa, isuzumwa n'itorwa by'iri tegeko

Iri tegeko ryateguwe mu rurimi rw'Icyongereza, risuzumwa kandi ritorwa mu rurimi rw'Ikinyarwanda.

Ingingo ya 3: Igihe iri tegeko ritangira gukurikizwa

Iri tegeko ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

After consideration of the Constitution and Convention of the African Telecommunications Union (ATU) adopted at Cape Town, Republic of South Africa, on 07 December 1999;

ADOPTS:

Article One: Approval for ratification

The Constitution and Convention of the African Telecommunications Union (ATU) adopted at Cape Town, Republic of South Africa, on 07 December 1999, in annex, are approved for ratification.

Article 2: Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Ikinyarwanda.

Article 3: Commencement

This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Après examen de la Constitution et la Convention de l'Union Africaine des Télécommunications (ATU) adoptées à Cape Town, République d'Afrique du Sud, le 07 décembre 1999;

ADOPTE:

Article premier: Approbation pour la ratification

La Constitution et la Convention de l'Union Africaine des Télécommunications (ATU) adoptées à Cape Town, République d'Afrique du Sud, le 07 décembre 1999, en annexe, sont approuvées pour ratification.

Article 2: Initiation, examen et adoption de la présente loi

La présente loi a été initiée en anglais, examinée et adoptée en Ikinyarwanda.

Article 3: Entrée en vigueur

La présente loi entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Official Gazette n°16bis of 16/04/2018

Kigali, ku wa **13/04/2018**

(sé)

KAGAME Paul
Perezida wa Repubulika

(sé)

Dr. NGIRENTE Edouard
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika:**

(sé)

BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya
Leta

Kigali, on **13/04/2018**

(sé)

KAGAME Paul
President of the Republic

(sé)

Dr. NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General

Kigali, le **13/04/2018**

(sé)

KAGAME Paul
Président de la République

(sé)

Dr. NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEGEKO N°18/2018
RYO KU WA 13/04/2018 RYEMERA
KWEMEZA BURUNDU AMATEGEKO
SHINGIRO N'AMASEZERANO
BY'UMURYANGO NYAFURIKA
W'ITUMANAHU (ATU) BYEMEREJWE
I CAPE TOWN, MURI REPUBULIKA
Y'AFURIKA Y'EPFO, KU WA 07
UKUBOZA 1999**

**ANNEX TO THE LAW N°18/2018 OF
13/04/2018 APPROVING THE
RATIFICATION OF THE CONSTITUTION
AND CONVENTION OF THE AFRICAN
TELECOMMUNICATIONS UNION (ATU)
ADOPTED AT CAPE TOWN, REPUBLIC
OF SOUTH AFRICA, ON 07 DECEMBER
1999**

**ANNEXE A LA LOI N°18/2018 DU 13/04/2018
APPROUVANT LA RATIFICATION DE LA
CONSTITUTION ET LA CONVENTION DE
L'UNION AFRICAINE DES
TELECOMMUNICATIONS (ATU)
ADOPTÉES A CAPE TOWN, REPUBLIQUE
D'AFRIQUE DU SUD, LE 07 DECEMBRE
1999**

AFRICAN TELECOMMUNICATIONS UNION



**CONSTITUTION
OF THE
AFRICAN TELECOMMUNICATIONS UNION**

CAPE TOWN 1999(Rev)

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DEFINITIONS

For the purpose of the Legal Instruments of the African Telecommunications Union, the following terms shall have the meaning defined below:

- a) PATU : Pan African Telecommunications Union.
- b) ATU : African Telecommunications Union.
- c) OAU : Organization of African Unity
- d) AU : African Union
- c) Constitution : the Basic Legal Instrument of the Union to which all other Legal Instruments of the Union shall conform.
- d) Convention : the Legal Instrument of the Union which complements the Constitution.
- e) Acts of the Union : the Resolutions, Recommendations as well as Legal and administrative Instruments adopted by the Conference.
- f) Member State :
 - i) any Member State of the African Union (AU) which signs and ratifies this Constitution and the Convention or accedes to them;
 - ii) any African State which becomes a member of the AU and accedes to this Constitution and the Convention;
 - iii) any other State not a member of the AU which applies for membership of the Union and which after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Constitution and the Convention ;
 - iv) any Member State which loses its membership of the AU but has not denounced this Constitution and the Convention;
- g) Associate Member :
 - i) any entity involved or interested in the info-communications sector that is registered in a Member State of the Union and which has been accepted as an Associate Member of the Union;
 - ii) any entity that is registered in an African country

which is not a Member State of the Union but whose associate membership of the Union has been approved by two-thirds of the membership of the Union;

- h) Seat : land, premises, offices or buildings occupied or used by ATU, together with the residences of the Elected Officials and the Statutory Staff of the Union.
- i) Telecommunication : any electronic transmission, emission or reception of signs, signals, sounds, texts, data, images, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.
- j) Legal Representative : the person recognized and authorized by the Conference of Plenipotentiaries to represent the Union.
- k) Region : the Continent of Africa.
- l) Sub-Region : the five (5) sub-regions of Africa as specified in Annex 1 of the Convention.
- m) Administration : a Telecommunications Entity designated by the Government of a country to discharge any of the obligations undertaken in the Constitution or Convention of the Union.
- n) Delegation : the totality of the representatives sent by the competent authority of a Member State to participate in a Conference or Meeting organized by the Union. Each delegation shall have one vote.
- o) Observer : a person authorized or invited to participate in a Conference or Meeting organized by the Union, in an advisory capacity with no right to vote.
- p) Amendment : any modification consisting of a deletion from, an addition to or a change in a part of an Article.
- q) Rules and Regulations : The Rules and Regulations referred to in the Constitution and Convention of the Union.

PREAMBLE

Plenipotentiaries from the Governments of the Member States of ATU gathered at the Extraordinary Session meeting in Cape Town, 6-7th December, 1999;

Aware of the vital importance of telecommunications for the safeguard of peace and the economic, social and cultural development of the region;

Aware of the necessity to secure Africa's interests regarding Telecommunications matters within a new global environment characterized by the liberalisation of the sector and the globalisation of the economy;

Aware of the need to restructure the African Telecommunications Union in order to adapt it to the new global context and to increase its efficiency in order to face the challenges of the third millennium;

Aware of the will of the Member States to strengthen co-operation in the Telecommunications Sector in order to achieve the continent's integration into the Global Information Society;

Convinced of the need to:

- develop telecommunications networks and services in a concerted, planned and integrated way;
- promote the speedy development of Telecommunications in Africa in order to access the global services, as well as a full connection between countries, in the most effective and efficient way;
- include operators from the private sector in the development process of telecommunications in Africa;

Hereby agree as follows:

CHAPTER I : BASIC PRIVISIONS

ARTICLE 1 : ESTABLISHMENT OF THE UNION

The African Telecommunications Union (ATU) hereinafter referred to as the Union, was established by the 4th Extraordinary Session of the Conference of Plenipotentiaries of the Pan African Telecommunications Union (PATU) on 7th December 1999, as the successor to the Pan-African Telecommunications Union (PATU), which was established by the 12th Session of the Organization of African Unity (OAU) now African Union (AU) Assembly of Heads of State and Government in Addis Ababa on 7 December, 1977 as the specialized agency of the OAU in the field of telecommunications.

ARTICLE 2 : VISION AND MISSION

1. VISION

The vision of the Union is to make Africa an equal and active participant in the Global Information Society.

2. MISSION

The mission of the Union is to promote the rapid development of info-communications in Africa in order to achieve universal service and access, in addition to, full inter-country connectivity, in the most effective manner.

ARTICLE 3 : OBJECTIVES OF THE UNION

The objectives of the Union are:

- a) To promote the development and adoption of appropriate African telecommunications policy and regulatory frameworks;
- b) To promote the financing and funding of telecommunications development;
- c) To promote programmes for the development of the African Information Society;
- d) To prepare special programmes for Africa's Least Developed Countries (LDC's) and rural telecommunications development;
- e) To promote human resources development in the field of info-communications;
- f) To promote the establishment of info-communications industries;

- g) To co-ordinate the strategies and positions of Member States in preparation for and at international meetings;
- h) To promote regional co-ordination in areas of projects, value-added services, equipment certification, technical standards and harmonization of tariffs;
- i) To harmonize the actions of Member States and Associate Members in the telecommunications sector;
- j) To foster co-operation and partnership between and among Member States and Associate Members.
- k) To promote and encourage the exchange of information, expertise and technology relating to info-communications for the benefit of all Member States and Associate Members;
- l) To undertake studies in the field of info-communications for the benefit of Member States and Associate Members;
- m) To undertake all such activities not defined above which may assist in achieving the vision and mission of the Union.

ARTICLE 4 : COMPOSITION OF THE UNION

The Union shall be composed of Member States and Associate Members :

1. A Member State shall be :
 - a) any Member State of the AU which sign and ratify this Constitution and Convention or accedes to them;
 - b) any African State which becomes a member of AU and accedes to this Constitution and Convention;
 - c) any African State not a Member of the AU which applies for membership of the Union and which after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Constitution and the Convention;
 - d) any Member State which loses its membership of the AU but has not denounced this Constitution and the Convention.

2. An Associate Member shall be :

- a) any entity involved or interested in the info-communications sector that is registered in a country which is a Member State of the Union and which has been accepted as an associate member of the Union.
- b) any entity that is registered in an African country that is not a Member State of the Union but whose associate membership of the Union has been approved by two-thirds of the membership of the Union.

ARTICLE 5 : SEAT OF THE UNION

1. The seat of the Union shall be in Kinshasa, Democratic Republic of Congo. The Union may be hosted in a member country other than that of the Seat for a duration not exceeding two consecutive ordinary sessions of the Conference of Plenipotentiaries, in accordance with the conditions laid down in the Convention.
2. Any Member State may temporarily host the Headquarters of the Union should the need arise and in the manner provided for under the terms specified in the Convention.
3. For the purpose of this Constitution and the Convention reference to the Headquarters of the Union shall in appropriate cases be deemed to refer to the temporary Headquarters hosted by a Member State pursuant to Clause 2 of this Article.

ARTICLE 6 : OFFICIAL LANGUAGES OF THE UNION

The official languages of the Union shall be those of the African Union (AU).

CHAPTER II : STRUCTURE OF THE UNION

ARTICLE 7 : ORGANS OF THE UNION

The organs of the Union shall be :

- a) The Conference of Plenipotentiaries;
- b) The Administrative Council;
- c) The Technical and Development Conference;
- d) The General Secretariat.

ARTICLE 8 : CONFERENCE OF PLENIPOTENTIARIES

1. The Conference of Plenipotentiaries hereinafter referred to as "the Conference" shall be the supreme organ of the Union. It shall consist of duly accredited delegations of Member States headed by the Ministers in charge of telecommunications or any other Plenipotentiaries designated by Member States.
2. The Conference shall convene in an Ordinary Session every four (4) years. At the request of the Administrative Council or a Member State, and, subject to the agreement of 2/3 (two-thirds) majority of the members, it shall meet in an Extraordinary Session.
3. The Conference shall meet at the Headquarters of the Union. It may be held in another Member State in conformity with the provisions of the Convention.
4. The Conference shall :
 - a) revise the Constitution and the Convention as it deems necessary;
 - b) determine the general policy which the Union must follow in order to achieve its objectives as specified in Article 3 of this Constitution;
 - c) examine and approve the strategic plan, programme of activities and the accounts of the Union and determine the ceiling of the four-year budget;
 - d) adopt the principle of contribution to the budget of the Union and determine the scale of contribution by Member States;
 - e) elect the Members of the Administrative Council;

- f) elect the Secretary General of the Union and approve his salary, allowances and other conditions of service;
- g) establish the structure of the General Secretariat, determine the staff establishment of the Union and if necessary, provide any general policy directives dealing with the staffing of the Union;
- h) approve the basic salaries, salary scales and the system of allowances and pensions of all staff of the Union as well as other conditions of service;
- i) approve the Financial Rules and Regulations, the Staff Rules and Regulations and all other rules governing the activities of the Union;
- j) revise as it shall deem necessary agreements concluded between the Union and other parties, review any agreement entered into by the Secretary General following provisional approval by the Administrative Council, as well as any agreement adopted provisionally by the Administrative Council and decide to conclude any new agreement entered into with other parties;
- k) consider the report of the Administrative Council on its activities since the last Conference as well as the reports and draft resolutions of any Committee that the Conference may set-up for this purpose;
- l) fix the venue for the Ordinary Session of the Conference, the date of which shall be left to the discretion of the Administrative Council;
- m) adopt, at the conclusion of each of its sessions a report and the Final Acts which report and Final Acts shall be addressed to all Member States as well as to the African Union (AU) .

ARTICLE 9 : ADMINISTRATIVE COUNCIL

1. The Administrative Council hereinafter to as the "Council" shall consist of Member States, elected for a four-year term by the Conference, having due regard to the equitable distribution of seats among the sub-regions of Africa as defined by AU. The Members shall be eligible for re-election.
2. Each Member State of the Council shall designate one person to serve on the Council who may, if necessary, be assisted by one or several Advisers.
3. Except in cases of vacancies covered under the Convention, the persons appointed to serve on the Council shall continue to do so, until the reconstitution of the Council by the next Conference.

4. The Council shall convene in an Ordinary Session, once every year, at the Seat of the Union. However, the Council may, at the invitation of a Member State, meet in the territory of that Member State. It may convene in extraordinary sessions upon the agreement of a 2/3 (two-thirds) majority of its members.
5. The Council shall, between the sessions of the Conference be the decision-making body of the Union within the limits of the powers delegated to it by the Conference.
6. The Council shall :
 - a) be entrusted with the overall duty of guiding the administration of the Union;
 - b) direct, control and coordinate the financial, technical, administrative and other activities of the Union;
 - c) take all necessary measures to facilitate the implementation by the Member States of the provisions of this Constitution and the Convention as well as the various regulations and decisions of the Union;
 - d) promote international cooperation with a view to ensuring through all means at its disposal, technical cooperation among Member States of the Union.

ARTICLE 10 : THE TECHNICAL AND DEVELOPMENT CONFERENCE

The Technical and Development Conference shall be convened to :

- a) consider specific radiocommunication, telecommunication standardization and telecommunications development matters;
- b) consider any other issue within the competence of the Conference;
- c) deal with all items which are included in the Agenda adopted by the Council in accordance with the provisions of Article 2 of the Convention;
- d) establish work programmes and guidelines for defining telecommunications development issues and priorities;
- e) provide guidance for the work programme of the two sectors;

- f) identify objectives and strategies for the balanced continent-wide development of telecommunications with priority being given to countries classified as Least Developed Countries (LDC's);
- g) serve as a forum for the examination of policy, organizational, operational, regulatory, technical and financial related issues necessary for the rapid development and expansion of telecommunications development on the continent;
- h) consider reports of the Working Groups, approve, modify or reject draft recommendations contained in those reports;
- i) bearing in mind the demands on the resources of the Union, approve the programme of work proposed by the Advisory Group;
- j) determine the priority, urgency, estimated financial implications and time-scale for the completion of specific tasks assigned to the Working Groups;
- k) decide, taking into account all the relevant factors, on the need to maintain, terminate or establish Working Groups allocating them with issues to be considered;
- l) group as far as possible, issues of interest to countries classified as LDC's to facilitate their participation in the work of these groups;
- m) consider and approve the report of the Directors of the Sectors on activities of the two sectors as of the previous conference;
- n) recommend to the Council issues for inclusion in the agenda of future conferences;
- o) include, in its decisions, instructions or requests, as appropriate, to the Secretary General and Sectors of the Union, the Council and the Plenipotentiary Conference of the Union.

ARTICLE 11 : GENERAL SECRETARIAT

1. The General Secretariat shall be headed by the Secretary General, who shall be elected by the Conference for a four-year term and shall be eligible for re-election once only.
2. The Secretary General shall :

- a) undertake such action as is necessary to ensure economic use of the Union's resources : be accountable to the Council for the administrative, financial and technical management of the Union;
 - b) be the Legal Representative of the Union;
 - c) be the legal depository of special arrangements established in accordance with the Constitution.
3. The Secretary General shall take office at the first meeting of the Council following his election by the Conference.
 4. The Secretary General shall be assisted by the Directors of Sectors, Heads of Departments and an Internal Auditor.
 5. In the performance of their duties, the Secretary General, the Directors of sectors and all other staff of the Union shall neither solicit nor accept any orders from any Government or Authority foreign to the Union. They shall abstain from any action incompatible with their duties.
 6. Member States of the Union shall refrain from exercising any influence over elected officials and other personnel of the Union in the performance of their duties.
 7. Any Member State, whose national has been elected Secretary General shall refrain, as far as possible, from appointing that official to other function during his term of office.
 8. The Secretary General and the other Statutory Staff of the General Secretariat shall enjoy the status of International Civil Servants.
 9. In all Member States of the Union, the Secretary General and other staff as well as experts and special envoys of the Union shall enjoy for the duration of their mission, the privileges and immunities accorded to the Union.
 10. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible.
 11. The Staff Rules and Regulations of the Union shall be issued in a separate document.

ARTICLE 12 : NON PERMANENT ORGANS

The Conference shall have the power to establish non-permanent organs it may deem necessary to achieve the objectives of the Union and the rules and regulations with which such organs shall organize their activities.

CHAPTER III : LEGAL STATUS AND INSTRUMENTS OF THE UNION

ARTICLE 13 : LEGAL STATUS OF THE UNION

1. The Union shall be an Inter-governmental Organization, which shall enjoy international legal status and capacity. It shall enjoy all the powers necessary for the attainment of its objectives. Member States shall grant the Union privileges and immunities on their territories to enable it to fully achieve its objectives.
2. The Secretary General shall conclude with the Government upon whose territory the Seat of the Union is established, an agreement defining the legal status of the Union, privileges and immunities recognized and accorded to the Union subject to the approval of the Council.
3. The privileges and immunities accorded to the Union shall also apply to conferences and meetings of the Union and delegates to such conferences and meetings.

ARTICLE 14 : INSTRUMENTS OF THE UNION

1. The instruments of the Union shall be :
 - a) this Constitution;
 - b) the Convention;
 - c) The Administrative Regulations.
2. This Constitution shall be the fundamental instrument of the Union. The provisions of this Constitution shall be complemented by those of the Convention.
3. The provisions of both the Constitution and the Convention shall be complemented by those of the Administrative Regulations
4. The main Administrative Regulations shall be :
 - a) the Rules of Procedure of the Organs of the Union;
 - b) the Financial Rules and Regulations of the Union;
 - c) the Staff rules and Regulations;
 - d) any other instrument to which the Conference attaches similar importance.

5. In the event of any inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the event of any inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

ARTICLE 15 : SOVEREIGN RIGHTS OF MEMBER STATES OF THE UNION

The provisions of this Constitution and the Convention shall be without prejudice to the national sovereignty of Member States. Nothing in this Constitution and the Convention shall affect the rights of Member States of the Union to develop and regulate their telecommunications networks and services.

ARTICLE 16 : RIGHTS AND OBLIGATIONS OF MEMBER STATES AND ASSOCIATE MEMBERS OF THE UNION

1. All Member States shall have the right to :
 - a) participate in all activities, meetings and conferences of the Union;
 - b) to elect and be elected to the Council of the Union subject to provisions of Article 8 of this Constitution;
 - c) to nominate candidates for election as officials of the Union.
2. Subject to provisions of Article 20 of this Constitution, each Member State shall be entitled to one vote at :
 - a) the Conference of Plenipotentiaries;
 - b) the Council where the Member State is a Member of the Council;
 - c) the Telecommunications and Development Conference;
 - d) any other meeting of the Union
 - e) any other occasion such as where a vote is conducted by correspondence.
3. All Associate Members shall have the right to :
 - a) participate in the activities of the Union;
 - b) participate fully and vote in meetings of the Union except the Conferences of Plenipotentiaries and the Council of the Union;

- c) attend as observers the Conference of Plenipotentiaries subject to the provisions of Article 4 of this Constitution.
- d) Nominate and be nominated as chairperson or vice chairpersons of the Technical and Development Conference subject to provisions of article 10 of this Constitution.

ARTICLE 17 : RATIFICATION OF THE CONSTITUTION AND THE CONVENTION

1. This Constitution and the Convention shall be ratified by each of the signatory Governments. There shall only be one single instrument of ratification.
2. The instruments of ratification of this Constitution and the Convention and any other instrument of approval of other Acts of the Union shall be deposited, in as short a time as possible, with the Secretary General of the Union, through diplomatic channels, who shall remit notification thereof to all Member States.
3. For a two-year period, beginning from the entry into force of this Constitution and the Convention, each signatory Government shall enjoy the rights conferred by the Constitution and the Convention on Member States, even if it has not deposited the instruments of ratification as provided for in this Constitution and the Convention.
4. Upon the expiry of this two-year period, any Member State that has not deposited the required instruments of ratification shall lose the right to vote in meetings of the Organs of the Union.

ARTICLE 18 : ACCESSION TO THE CONSTITUTION AND THE CONVENTION

1. Any Member State of the AU which has not signed this Constitution and the Convention may accede to them at any time.
2. Any State which has been a Member of the Union by virtue of any previous Convention, and which has not signed this Constitution and the Convention shall accede to them. After the final entry into force of this Constitution and the Convention, that Member State shall retain membership but shall lose its right to vote if its instruments of accession are not deposited.
3. The instrument of accession shall be sent to the Secretary General of the Union through diplomatic channels. It shall enter into force on the date it is deposited unless otherwise stipulated. The Secretary General shall notify

Member States of such accession and forward to each of them a certified true copy of the instruments.

ARTICLE 19 : RULES OF PROCEDURE OF THE UNION

1. Subject to Clause 2 of this Article, each conference or meeting of the Union shall adopt its own Rules of Procedure.
2. The Rules of Procedure adopted by a preceding Conference or Meeting shall be deemed to be in force until otherwise changed or modified by a successor Conference or Meeting.

ARTICLE 20 : SUSPENSION OF A MEMBER

1. A Member State shall be suspended from the Membership of the Union if it fails to honour its obligations to the Union in the cases and under the conditions specified under the Convention.
2. A Member State may lose its voting rights under the conditions specified in the Convention.

ARTICLE 21 : REINSTATEMENT OF A MEMBER

A Member State which has been suspended from the Union may be reinstated subject to the conditions specified in the Convention.

ARTICLE 22 : APPLICATION OF THE INSTRUMENTS AND ACTS TO THE UNION

Member States shall be bound by the provisions of this Constitution, the Convention, the Administrative Regulations and other decisions of the Union.

CHAPTER IV : FINANCES OF THE UNION

ARTICLE 23 : FINANCIAL RESOURCES OF THE UNION

The Financial Resources of the Union shall be :

- a) contributions from the Member States;
- b) contributions from Associate Members;
- c) extra-budgetary contributions and donations approved by the Council;
- d) voluntary donations;
- e) sundry income from services rendered;
- f) income generated by the Business Unit.

ARTICLE 24 : EXPENDITURE OF THE UNION

The Expenditure of the Union shall comprise the costs of :

- a) sessions of the Conference;
- b) sessions of the Council;
- c) the General Secretariat;
- d) running the Technical and Development Conference;
- e) conferences, meetings and seminars organized by the Union;
- f) meetings of any Committee set up by the Conference;
- g) miscellaneous expenses.

ARTICLE 25 : PAYMENT OF CONTRIBUTIONS

Member States and Associate Members shall pay in advance their annual contributions calculated on the basis of the budget adopted by the Council, and according to a scale adopted by the Conference of Plenipotentiaries.

ARTICLE 26 : FINANCIAL DIFFICULTIES

In case of financial difficulties the Government of the Member State in whose territory the General Secretariat of the Union is located shall advance funds to implement the budget until these are reimbursed by the Union.

ARTICLE 27 : RESEARCH FUNDING

If a Member State or a group of Member State undertakes research with the assistance of the Union, the expenditure relating to such research shall be borne by the Member State or the group of Member States.

ARTICLE 28 : FINANCIAL REGULATIONS OF THE UNION

The Financial Regulations of the Union shall be issued in accordance with the provisions of the Convention.

ARTICLE 29 : ACCOUNTS AND MONETARY UNIT OF THE UNION

The accounts of the Union shall be kept in the currency specified by the Council.

ARTICLE 30 : FRANKING PRIVILEGES

1. Throughout the duration of the conferences or meetings of the Union, delegates and personnel of the General Secretariat assigned to the conferences or meetings shall enjoy telephone, telegram, telefax and telex franking privileges, subject to specific limitations, between the venue of the conference and their respective administrations.
2. Telephone communications of limited duration between delegates and their families shall also be provided under franking arrangements.

CHAPTER V : OTHER PROVISIONS

ARTICLE 31 : RELATIONS BETWEEN THE UNION AND THE AFRICAN UNION (AU)

As the Specialized Agency of the African Union in the field of telecommunications, the Union shall enjoy privileged relations with the AU, in accordance with the existing agreement between the two organizations.

ARTICLE 32 : RELATIONS BETWEEN THE UNION AND OTHER INTERNATIONAL BODIES

1. In order to encourage overall intra-African and international cooperation in the field of telecommunications, the Union shall collaborate with ITU and other international, regional and sub-regional bodies whose activities and interests are related to telecommunications. The Union may invite such bodies to send observers to attend its conferences in a consultative capacity on the basis of the principle of reciprocity.
2. Agreements may be concluded between the Union and such other international, regional and sub-regional bodies.

Member States shall reserve the right to hold sub-regional conferences and conclude sub-regional arrangements with a view to addressing telecommunications issues which can be treated at sub-regional level. Sub-regional arrangements shall not be in conflict with this Constitution and the Convention.

ARTICLE 33 : TECHNICAL COOPERATION

1. Member States shall promote the exchange of technical and specialized personnel among themselves. They shall likewise share experiences and exchange information on technical, financial, regulatory and other matters through study missions, workshops and seminars.
2. The Union shall make efforts with a view to promoting the training of executive and middle level staff for Member States in multinational telecommunications schools and colleges in co-operations with other specialized bodies in this field in Africa.

ARTICLE 34 : SETTLEMENT OF DISPUTES

1. Any dispute that may arise concerning the interpretation or application of any provision of the Constitution, Convention, the Administrative Rules and Regulations or their annexes shall be submitted to the mediation of a group

- of Member States, which is not party to the dispute, and, which shall be nominated by the Secretary General after an attempt by the latter to settle the dispute amicably has failed.
2. Should the first mediation fail, the dispute shall be first submitted to the Administrative Council and should this also fail, to the AU tribunal.
 3. The foregoing provisions shall be without prejudice to the choice of any mode of settlement that the parties concerned may jointly decide in keeping with the spirit of this Constitution.
 4. Any dispute which may arise between the Union and a Member State concerning the interpretation or application of this Constitution, the Convention and Administration Regulations shall be submitted to the mediation of the Administrative Council after an attempt to settle the matter through negotiation has failed. Should mediation fail, the dispute shall be submitted to a Special Panel comprising three Arbitrators, one nominated by the Secretary General of the Union, the second Arbitrator by the Member State party to the dispute and the third Arbitrator by the two Parties.
 5. In the event that a third Arbitrator cannot be nominated or in the event that the dispute is not settled, it may, as a last resort, be submitted to a competent local Panel of one of the Member States drawn by lots by the two Parties. The Panel so selected shall remain the competent Arbitrator until the dispute is finally settled.

CHAPTER VI : FINAL PROVISIONS

ARTICLE 35 : DENUNCIATION OF THE CONSTITUTION AND THE CONVENTION

1. Any State which loses its membership of the AU shall be deemed to retain its membership of the Union unless it denounces this Constitution and the Convention. Failing this, it shall conserve its membership of the Union.
2. Any Member State may denounce this Constitution and the Convention through a single notification sent through diplomatic channels to the Secretary General, who shall advise the other Member States accordingly.
3. Such denunciation shall become effective one year after the date of receipt of notification by the Secretary General of the Union in conformity with the provisions of the Convention.

ARTICLE 36 : AMENDMENT OF THE CONSTITUTION

1. This Constitution shall not be amended except in accordance with this Article.
2. The power to amend this Constitution shall be vested exclusively in the Conference of Plenipotentiaries.
3. Any Member State may propose an amendment to this Constitution in writing by sending the proposal to the Secretary General who, upon receiving it, shall immediately circulate it to all Member States. In order to provide all Member States with adequate time to examine proposals to amend this Constitution, such proposals should be sent to the Secretary General at least 4 (four) months before the Conference of Plenipotentiaries.
4. Notwithstanding clause 3 of this Article, no Member State who is in arrears of its annual contributions to the Union for two or more years, or who is under suspension in accordance with this Constitution, shall be competent either to propose or support an amendment.
5. An amendment shall be considered adopted if it is approved by 2/3 –two thirds) of the Member States accredited to the conference.
6. Any amendment shall be contained in Protocol Agreements to be Annexed to this Constitution.

ARTICLE 37 : ENTRY INTO FORCE OF THE CONSTITUTION AND THE CONVENTION

This Constitution and the Convention once signed by the Plenipotentiaries shall enter into force 30 days after the tenth instrument of ratification or accession has been deposited with the Secretary General of the Union.

ARTICLE 38 : SIGNING AND DEPOSITORY OF THE CONSTITUTION AND THE CONVENTION

In witness whereof the respective Plenipotentiaries have signed this Constitution and the Convention in three sets of the original texts in the working languages of the Union, all texts being equally authentic. One set of the original text shall be deposited with the Government of the country of the Seat of the Union. The two other sets shall be deposited with the Secretary General of the Union and the AU respectively. A set of the true certified copies of the original texts shall be sent to each Member State by the Secretary General.

**THE 26 MEMBER STATES WHICH SIGNED THE ATU CONSTITUTION
(CAPE TOWN, DECEMBER 1999)**

1. ALGERIA
 2. BENIN
 3. BURKINA FASO
 4. BURUNDI
 5. CAMEROON
 6. CENTRAL AFRICAN (REP.)
 7. CONGO
 8. CONGO (DEM. REP.)
 9. EGYPT
 10. ETHIOPIA
 11. GABON
 12. GHANA
 13. COTE D'IVOIRE
 14. KENYA
 15. LESOTHO
 16. LIBERIA
 17. MALAWI
 18. MALI
 19. NIGERIA
 20. SENEGAL
 21. SOUTH AFRICA
 22. SUDAN
 23. TANZANIA
 24. TUNISIA
 25. UGANDA
 26. ZAMBIA
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AFRICAN TELECOMMUNICATIONS UNION



CONVENTION OF THE AFRICAN TELECOMMUNICATIONS UNION

CAPE TOWN 1999 (Rev)

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CONVENTION OF THE AFRICAN TELECOMMUNICATION UNION

ARTICLE 1 : CONFERENCE OF PLENIPOTENTIARIES

1. Date and Venue of the Conference

- 1.1 The ATU Conference of Plenipotentiaries shall be convened in accordance with Article 8 of the Constitution.
- 1.2 The date and venue of ordinary and extraordinary sessions of the Conference of Plenipotentiaries shall be fixed by the preceding Conference of Plenipotentiaries, failing which they shall be fixed by the Administrative Council.

2. Change of date and venue of the Conference

- 2.1 The date and/or venue of the Conference may be changed in accordance with Section 2.2 below and:
 - a) at the request of a Member State or a group of Member States addressed to the Secretary General of the Union;
 - b) on a proposal of the Administrative Council adopted by the majority of Members present and voting;
 - c) at the request of the Secretary General.
- 2.2 Except under exceptional circumstances proposals for the change of the date and/or venue of the Conference must reach the Secretary General at least one year before the date scheduled for the next Conference. Upon receipt of the required number of proposals, the Secretary General shall consult Member States without delay and propose to them the new date and/or venue as the case may be. The replies of the countries must reach the Secretary General not later than six months before the new date.
- 2.3 Any change to the date or venue of the Conference must be supported by valid reasons from the authors proposing the change.
- 2.4 The new date and venue shall be fixed with the concurrence of the majority of the Member States of the Council.

3. Invitations by a Member State to host the Conference

- 3.1. The Host Country of the Conference shall sign a Protocol Agreement with the Secretary General on the holding of the Conference.
- 3.2. The Secretary General shall, in agreement with the Government of the inviting Member State fix the definitive date and exact venue of the Conference, subject to the approval of the Administrative Council.
- 3.3. One year before this date, the Government of the inviting Member State shall send an invitation to each Member State and each observer. These invitations may be sent directly or through the Secretary General of the Union.

4. Participation in the Conference of Plenipotentiaries

- 4.1. Delegations of Member States shall be admitted to the Conference of Plenipotentiaries in a deliberative capacity.
- 4.2. The following may be admitted to the Conference of Plenipotentiaries in an observer capacity:
 - a) the AU;
 - b) Associate Members;
 - c) international organizations involved in the telecommunications sector;
 - d) sub-regional organizations involved in telecommunications;
 - e) international financial institutions;
 - f) international organizations not mentioned above involved in telecommunications;
 - g) experts who are nationals of countries that are Member States participating in a consultative capacity.

5. Accreditation of Delegations to the Conference

- 5.1. The delegation sent by a Member State to the Conference shall be duly accredited by document signed by the Head of State or Government, or the Minister responsible for Foreign Affairs.

- 5.2. The instruments of accreditation issued under section 5.1 above shall confer on the delegations to the Conference of Plenipotentiaries full powers and the right to sign the Final Acts.
- 5.3. Should a Member State be unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member State powers to vote and sign on its behalf.
- 5.4. The powers referred in 5.3 above must be conveyed to the Secretary General by a document signed by the Head of State or Government or the Minister responsible for Foreign Affairs of the country being represented by proxy.

6. Preparation of the work of the Conference by the Conference Preparatory Committee

The preparation of the work of the Conference of Plenipotentiaries shall be entrusted to the Conference Preparatory Committee whose duties and functions are set out under Article 4 of this Convention.

ARTICLE 2 : ADMINISTRATIVE COUNCIL

1. Sessions of the Council

- 1.1. The Administrative Council shall convene in accordance with Article 9 of the Constitution.
- 1.2. The Council shall convene in annual Sessions at the Seat of the Union or in another country that may request to host a meeting of the Council as provided for in Rule 4 of the Rules and Regulations of the General Secretariat.

2. Council Membership

- 2.1. The Members of the Council shall be elected by the Conference of Plenipotentiaries in accordance with Article 8 of the Constitution.
- 2.2. Member States of each sub-region shall propose to the Conference the candidates for election to the Council as well as two alternates. Such Member States shall be in order with their contributions.

- 2.3. In the event of a disagreement on the choice of candidates for Council Membership within a sub-region, the issue shall be brought before the Conference, which shall proceed to elect the Council.
- 2.4. The person designated by a Member State to serve on the Council shall be a senior official, preferably having knowledge in telecommunications and/or related sectors.

3. Chairperson of the Council

- 3.1. The Administrative Council shall at the beginning of each annual session elect its Chairperson and Vice Chairperson from among its members according to the procedure defined in its Rules of Procedure, taking into account the principle of rotation among the sub-regions of the continent.
- 3.2. The Chairperson and Vice-Chairperson shall remain in office until the opening of the next annual session and shall be eligible for re-election once.
- 3.3. The Vice-Chairperson shall act as Chairperson in the absence of the latter.
- 3.4. Should both the Chairperson and Vice-Chairperson be absent, the Council shall elect the Chairperson and Vice-Chairperson to act in the interim.

4. Participation in Council Session

- 4.1. Besides the Members of the Council only persons invited may participate in the session of the Council. A Member of the Council may be assisted by one or more advisers.
- 4.2. Only Members of the Council shall have the right to vote provided it is in conformity with Article 16 of the Constitution.

5. Decisions of the Council

The Council shall make decisions only in session. However, it may decide to resolve between sessions, urgent issues through correspondence. In that event, the Chairperson shall consult Members of the Council on such issues in writing. Members of the Council shall give urgent written replies. A decision shall then be taken by a 2/3 (two-thirds) majority of the Members of the Council, provided that such a decision shall not entail expenditure beyond the limits of the approved budget for the Union.

6. Vacancy of a seat on the Council

- 6.1. If between two sessions of the Conference, a seat on the Council falls vacant, such a seat shall pass by right to a Member State of the Union from the same sub-region, who in the previous election obtained the highest number of votes among those not elected to the Council.
- 6.2. A seat shall be considered vacant when:
 - a) a Member State fails to send a representative to two consecutive ordinary sessions of the Council;
 - b) a Member state withdraws its membership on the Council;
 - c) a Member state is suspended.

7. Functions of the Council

- 7.1. In the discharge of its duties prescribed in the Constitution, the Council shall in between two Conferences of Plenipotentiaries :
 - a) submit to the Conference proposals concerning the rules governing the financial, administrative and other activities of the Union, including the entering into contracts by the Union with Governments or institutions desirous of assisting the Union or its Members in achieving the objectives of the Union;
 - b) consider the draft four-year programme of activities and budget of the Union and submit them to the Conference for approval;
 - c) consider the annual report of the Secretary General on the activities of the Union and arrange for the annual audit of the accounts of the Union;
 - d) consider the annual report on the financial management of the Union;
 - e) assess each year, in accordance with the scale of contributions for Member States and Associate Members within the limit adopted by the Conference, the annual budget of the Union;
 - f) present to the Conference a report on the activities of the Union since the last Conference;

- g) consider and provisionally approve the agreements to be concluded by the Secretary General with other parties and submit them to the Conference for approval;
- h) approve the draft agenda of the Conference as well as programmes of the Administrative Council and the Technical and Development Conference;
- i) propose to the Conference the basic salaries and other allowances for all officers of the Union for approval;
- j) make the necessary arrangements after the consent of the majority of Member States of the Union, in order to resolve on a provisional basis, cases which have not been provided for in the legal instruments of the Union, the solution of which cannot await the next conference;
- k) designate, if necessary, the venue of the next Conference;
- l) fix the date of the next conference;
- m) at the request of a Member State and with the concurrence of 2/3 (two thirds) of Members of the Council, change the date and/or venue of the next Conference and the meeting of the Conference Preparatory Committee preceding it;
- n) propose to the Conference, if it deems necessary, the establishment of subsidiary organs;
- o) invite the Administrations of Member States of the Union which are not Members of the Council to participate in its proceedings as observers except in those sittings it shall decide to hold in camera;
- p) recruit and appoint the Directors and Internal Auditor of the Union with the assistance of the Secretary General ensuring, as far as possible, the equitable geographical representation of the African sub-regions and taking into account the need for a more equitable gender balance;
- q) appoint an External Auditor and determine his/her Terms of Reference;

r) propose, if necessary, the provisional transfer of the Headquarters or technical staff of the Union, as the case may be, to another country, a Member State of the Union, as provided for in Article 5 of the Constitution.

8. Secretariat of the Council

The General Secretariat of the Union shall serve as the Secretariat for the Council.

ARTICLE 3 : GENERAL SECRETARIAT

1. Conditions of eligibility of the Secretary General

- 1.1. The candidature for the post of Secretary General of the Union must be presented through the diplomatic channels of the nominating Member State.
- 1.2. The application for candidature should reach the General Secretariat not later than 30 days prior to the date set for the start of the Conference of Plenipotentiaries.
- 1.3. Any Member State of the Union wishing to present a candidate should have no outstanding contributions at the date of the election, failing which the candidature of its national shall be rejected by the Conference.

2. Procedure for the election of the Secretary General

- 2.1. Voting concerning the election of the Secretary General of the Union shall be by secret ballot.
- 2.2. Each delegation shall receive a single ballot paper bearing the names of all the candidates in alphabetical order.
- 2.3. Each delegation shall vote for the candidate of its choice by the method agreed to by the Conference.
- 2.4. All votes, valid or not, as well as abstentions, will be recorded and announced when the result of the election is given.
- 2.5. Any candidate obtaining a majority of 2/3 of the Member States present and voting shall be declared elected.
- 2.6. In accordance with the provisions of paragraph 2.2 above one or more ballots shall be taken, until one of the candidates obtains the 2/3 majority of the Member States present and voting.
- 2.7. If none of the candidates obtains the required majority, another ballot shall be taken at another sitting of the same Conference.
- 2.8. Where there are more than two candidates and none of them receives the required 2/3 majority after a further ballot was taken in accordance with 2.7 above, the candidate with the lowest number of votes is eliminated from the next round of balloting.

- 2.9. If, after this further round of balloting indicated in 2.8 above, no candidate receives the required 2/3 majority of the Member States present and voting a final round of balloting shall be taken. If, in the final round of balloting, none of the candidates obtains the required majority of 2/3 indicated above, the candidate with the simple majority shall be declared elected.
- 2.10. If, after the final round of balloting no candidate obtains a simple majority, the Conference shall take the decision it may deem appropriate.

3. The Secretary General

The Secretary General shall:

- 3.1. coordinate the work of the various organs of the Union for which he/she will provide secretariat services;
- 3.2. coordinate the activities of the General Secretariat;
- 3.3. supervise, for purposes of rational administrative management, the staff of the Union with a view to ensuring the most effective use of the personnel.

4. Vacancy of the post of Secretary General

In the event of the post of the Secretary General falling vacant, the Council shall notify all Member States of such a vacancy as soon as possible after the first meeting of the Council following the existence of the vacancy. In that case, the Director of the Development sector shall act as Secretary General until the next Conference of Plenipotentiaries.

5. Functions of the Secretary General

The Secretary General shall :

- 5.1. be responsible for the overall management of the Union's resources;
- 5.2. coordinate the work of the various units within the Union for whom he provides the Secretariat;
- 5.3. coordinate the activities of the General Secretariat;
- 5.4. draft and present to Council for scrutiny an annual financial report;
- 5.5. present to the Council a consolidated and audited financial report for consideration and approval;

- 5.6. prepare and present to the Council the annual report of the Union's activities and circulate this report to the members once it has been approved by Council;
- 5.7. submit to Council an annual report highlighting developments in the telecommunications sector and put forward proposals regarding the future policy and strategy of the Union;
- 5.8. periodically publish an information newsletter and general documentation relating to the telecommunications sector;
- 5.9. provide legal opinion to the Union;
- 5.10. draft the proposed four-year plan of activities for the Union and the corresponding budget to be submitted to Council before tabling it at the Conference of Plenipotentiaries;
- 5.11. draw up a draft annual programme of activities and associated budget to be submitted to Council for approval;
- 5.12. facilitate the appointment of Directors of Sectors, the Internal Auditor and other staff, while mindful of maintaining an equitable geographic balance amongst the sub-regions of Africa;
- 5.13. supervise the application of any decision or ruling adopted by Council;
- 5.14. manage the Union's personnel resources so that they are efficiently and effectively used;
- 5.15. provide the necessary resources for holding Union conferences and meetings, ensuring the relevant secretarial functions;
- 5.16. represent the Union in all fora as appropriate, in accordance with Article 11 of the Constitution.
- 5.17. coordinate the implementation of the strategic plan adopted by the Conference and report to the Council accordingly.

ARTICLE 4 : CONFERENCE PREPARATORY COMMITTEE (CPC)

1. Organization and Functions

The CPC, which is a non-permanent organ of the Union, shall be composed of persons whose responsibility will be to advise the Plenipotentiaries on the issues to be addressed by the Conference. The organization and functioning of the CPC shall be determined by its Rules of Procedure.

2. Duties of the CPC

The CPC shall be convened to :

- 2.1. examine all items put on the Conference Agenda by the Administrative Council, any Member State or the AU with the view to formulating recommendations for consideration by the Conference;
- 2.2. formulate draft resolutions, decisions, recommendations and other documentation for consideration by the Conference;
- 2.3. draw up a report on its work to be submitted to the Conference;

ARTICLE 5 : TECHNICAL AND DEVELOPMENT CONFERENCE

1. The role of Technical and Development Conferences (TDC) is to:

- 1.1. identify questions which will be investigated, and may create working groups to this end;
- 1.2. examine all the matters raised by the Conference of Plenipotentiaries, the Administrative Council and the sectors, and if need be, make recommendations;
- 1.3. draw up the programmes and methods of work in the sectors and determine objectives and orientation with regard to telecommunications development at the regional level;
- 1.4. examine the reports submitted to it and evaluate the activities of the various sectors.

2. Participation

The following may attend Technical and Development Conferences.

- 2.1. as full members:
 - a) Member States
 - b) Associate Members

2.2. in an advisory capacity:

- a) ITU;
- b) AU;
- c) regional telecommunications organizations;
- d) sub-regional telecommunications organizations;
- e) Recognized representatives from the private sector who are not associate members, duly authorized by the members they represent;
- f) Scientific and industrial experts from Member States.

3. Initiative of Technical and Development Conference

With the agreement of Council, the Secretary General will organize Technical and Development Conferences to discuss questions impacting on the development of telecommunications at the regional level, including radio-communications and standardization.

4. Agenda of the Technical and Development Conference

In accordance with article 10 of the Constitution, the Technical and Development Conference convenes to:

- a) examine specific questions regarding radio-communications, standardization in the area of telecommunications and development in telecommunications;
- b) examine any other issue on which the conference is competent to address;
- c) deal with all subjects featured on the agenda adopted by the Council as stipulated in article 2 of the Convention;
- d) draw up work programmes and directives to identify the questions and priorities relating to the development of telecommunications;
- e) give direction to the programme of work for the two sectors;

- f) identify the objectives and strategies which will enable a balanced development in telecommunications to be achieved on a continent-wide scale, with the understanding that priority will be given to countries classified as LDC's;
- g) serve as a forum for examining questions of policy, organization or regulatory matters, as well as technical and financial questions necessary for the rapid development and expansion of telecommunications on the continent;
- h) examine the reports emanating from the working groups; approve, amend or reject the proposed recommendations contained in these reports;
- i) approve the programme of work proposed by the Advisory group, bearing in mind the limited resources of the Union;
- j) determine the priority, urgency, likely financial implications and the time required to complete the tasks assigned to the Working Groups;
- k) decide on the necessity of retaining, disbanding or creating Working Groups and specify the questions they should examine;
- l) group together those matters of special interest to LDC countries with the view to facilitating their participation in the Working Groups as indicated below;
- m) consider the reports of the sector directors detailing the activities conducted by the sectors since the last conference;
- n) recommend to Council the questions to be included on the agenda for future conferences;
- o) include in its decisions, instructions or requests to the Secretary General and to the sector directors, the Administrative Council and the Conference of Plenipotentiaries, as the case may be.

5. Advisory Group

The Advisory Group shall :

- a) Consider the items that emanate from the Technical and Development Sectors and give its opinion on the coordination of their activities;
- b) recommend measures concerning the Working Groups;
- c) recommend measures arrived at improving the coordination between the various sectors;
- d) examine the priorities and the programmes established by the Sectors;
- e) draw up a report for the TDC indicating the state of development of these activities and the recommendations that have been adopted.

6. Working Groups

6.1. The Working Groups shall :

- a) study questions of interest to countries in the African Region. Such questions will deal with problems relating to development (policy, regulations, projects, human resources, and standardization, the management of radio-communications and the frequency spectrum, as well as tariffs);
- b) prepare a report for the TDC indicating the progress and the recommendations that have been adopted.

6.2. For each Working Groups, the the TDC will appoint a Chairperson, a vice-Chairperson and a rapporteur.

6.3. Details of the organization and operations of the Working Groups will be governed by their internal rules.

7. General arrangements regarding the TDC

General arrangements regarding the convening, organisation and functioning of the TDC are specified in the internal regulations of the Conference.

8. Financial responsibilities of the TDC's

Before taking any decisions which may have financial implications, the TDC must ensure that no additional expenditure is incurred over and above what the Council has authorized.

9. Venue for Conference

- 9.1. The Technical and Development Conference shall be held at the Seat of the Union unless the Government of a Member State invites the Conference to meet in its territory in which case any additional expenses over and above the expense which would result from holding the meeting outside the Seat will be borne by the inviting Member State.
- 9.2. Should a Government of a Member State invite the Union, the proposed host-government, in collaboration with the Secretary General, will address invitations to the Member States and to the international observers at least one month ahead of the opening of each Technical and Development Conference.

CHAPTER II

ARTICLE 6 : TECHNICAL CO-OPERATION AND ASSISTANCE

1. Cooperation with sub-regional, regional, international organizations and bodies

- 1.1. The Union may enter into partnership arrangements and co-operation agreements, with other inter-governmental organizations at sub-regional, regional, or international level, as well as with non-governmental organizations on condition that such arrangements serve the purpose and objectives of the Union.
- 1.2. The Union may establish co-operation agreement with continental, regional and sub-regional organizations in order to create synergies in the areas of general policy and regulatory issues and the financing and implementation of co-ordinated projects.
- 1.3. The Union may harmonize and coordinate its activities and those of other continental, regional and sub-regional organizations in order to ensure integrated planning of the network and infrastructure for the optimum utilization of resources.
- 1.4. The Secretary General and Directors of sectors will encourage the following bodies and organizations to participate fully in the activities of the Union:
 - a) other regional telecommunications organizations;
 - b) sub-regional telecommunications organizations;

- c) entities and organizations who are not Associate Members;
 - d) scientific and industrial experts.
- 1.5. Any request to participate in the work of the Union must be approved by the Member State of the entity concerned, before being submitted to the Secretary General for processing according to the Union guidelines.
 - 1.6. The Secretary General will maintain a list of all entities and organizations mentioned in 1.4 above. An updated version of this list will be circulated to Members at appropriate intervals.
 - 1.7. Any entity and organization permitted to participate in the activities of the Union may relinquish its participation by advising the Secretary General of its intention to do so. The Member State concerned may also recommend the withdrawal of participation of such entity or organization.
 - 1.8. Council specifies the terms and conditions of participation.

2. Technical assistance

- 2.1. The Secretary General may approach international institutions for:
 - a) technical assistance in all areas of telecommunications;
 - b) financial assistance in all areas of telecommunications;
 - c) various other contributions in the field of telecommunications development in Africa.

The Council must endorse such an approach for assistance before any agreement can be entered into.

- 2.2. The Secretary General may assist a Member state or group of Member States, according to procedures laid down by Council.

ARTICLE 7 : OTHER PROVISIONS

1. Franking Privileges

Throughout the duration of Conferences or meetings of the Union, and subject to certain limitations, delegates and personnel of the General Secretariat assigned to the Conferences or meetings shall enjoy franking privileges of telecommunications services between the venue of the conferences or meetings and their respective administrations. Telephone communications of limited duration between delegates and their families shall also be granted franking privileges.

2. Relations between the Union and International Organizations

- 2.1. In order to encourage overall intra-Africa and international co-operation in the field of telecommunications the Union shall collaborate with the International Telecommunications Union and other international, regional and sub-regional bodies whose activities and interests are related to telecommunications. The Union may invite such bodies to send observers to attend its conferences in a consultative capacity on the basis of the principle of reciprocity.
- 2.2. Agreements may be concluded between the Union and such other international, regional and sub-regional bodies.

3. Technical Co-operation

- 3.1. Member States may promote the exchange of technical and specialized personnel among themselves. They shall likewise share experiences and exchange information on technical and administrative matters through study missions, workshops and seminars.
- 3.2. The Union shall make efforts to assist Member States on Technical cooperation matters with the International Telecommunications Union and other specialized bodies in this field.

4. Settlement of disputes

- 4.1. Any dispute that may arise concerning the interpretation or application of any provision of the legal instruments of the Union shall be resolved in conformity with Article 34 of the Constitution.

- 4.2. The foregoing provisions shall be without prejudice of the choice of any mode of settlement that the parties concerned may jointly decide in keeping with the spirit of the Convention.

5. Official and Working Languages of the Union

- 5.1. The official languages of the Union shall be English, Arabic and French.
- 5.2. All documents of the Conference of Plenipotentiaries, Administrative Council, Technical and Development Conference and the General Secretariat for general distribution as well as interpretation shall be provided in the official languages of the Union.
- 5.3. If an application is made to the Secretary General to provide for the use of one of the languages of the AU other than those cited in section 5.1 above, oral or written, the additional cost so incurred shall be borne by the Member State(s) supporting the application after having obtained from the Member States(s) concerned an undertaking that the cost incurred will be duly paid by them.

6. Suspension of a Member State or Associate Member

- 6.1. At the recommendation of the Council or by its own accord, the Conference shall decide by 2/3 majority of Member States present advocating to suspend a Member State or Associate Member which:
- a) fails to make its annual contributions to the Union for a continuous period of 3 consecutive years;
 - b) practices a policy that is inconsistent with the objectives of the Union.
- 6.2. Suspension of a Member State or Associate Member shall not exempt it from fulfilling its financial or other obligations to the Union during the period of suspension.

7. Reinstatement of a suspended Member State or Associate Member

- 7.1. A Member state or Associate Member suspended from the membership of the Union as a result of failing to meet its annual contributions to the Union shall be reinstated if it pays all its arrears of contribution.

- 7.2. Any decision by the Conference to revoke such suspension as set forth in paragraph 6.1 above shall be taken by 2/3 majority of the Member States present and voting.

8. Voting Rights

- 8.1. Each Member State shall have one vote at any Conference or meeting of the Union.
- 8.2. A Member State shall lose the right to vote if it fails to honour its financial obligations for a period of two consecutive years.

ARTICLE 8 : DENUNCIATION, AMENDMENTS AND ENTRY INTO FORCE

1. Denunciation of the Convention

- 1.1. Any Member State or Associate Member may denounce this Convention through a notification addressed to the Secretary General. The Secretary General shall notify the other Member States and Associate Members accordingly.
- 1.2. This denunciation shall become operative one year after the date of receipt of notification by the Secretary General.

2. Amendment of the Convention

- 2.1. A member of the Union may propose any amendment to this Convention. Any such proposal, in order to be timely circulated to and considered by all the Member States of the Union must, reach the Secretary General not less than two months prior to the opening date fixed for the Conference of Plenipotentiaries. The Secretary General shall, as soon as possible, but not later than one month prior to the latter date, forward any such proposal to all the Member States of the Union.
- 2.2. Notwithstanding the provision of section 2.1 above, a proposal to amend the convention or modify an amendment may be introduced at the Conference of Plenipotentiaries provided that consideration of such a proposal shall be approved by a majority of the delegations present and voting.
- 2.3. Any amendment to the Convention shall be considered adopted if it is approved by a simple majority of Member States present and voting.

- 2.4. Any amendment to the Convention shall be contained in the Protocol Agreements annexed to this Convention and shall enter into force thirty (30) days after the deposit of the tenth instrument of acceptance with the Secretary General of the Union by Member States.

3. Entry into force of the Convention

This Convention shall enter into force in accordance with Article 37 of the Constitution.

4. Signing and Depository of the Convention

- 4.1. In witness whereof, the respective Plenipotentiaries have signed this Convention in three sets of the original texts in the working languages of the Union, all texts being equally authentic.
- 4.2. One set of the original texts shall be deposited with the Government of the country of the Seat of the Union. The two other sets shall be deposited with the Secretary General of the Union and the Secretary General of the AU respectively. A set of the certified true copies of the original texts shall be sent to each Member State by the Secretary General.



**THE 26 MEMBER STATES WHICH SIGNED THE ATU CONVENTION
(CAPE TOWN, DECEMBER 1999)**

1. ALGERIA
2. BENIN
3. BURKINA FASO
4. BURUNDI
5. CAMEROON
6. CENTRAL AFRICAN (REP.)
7. CONGO
8. CONGO (DEM. REP.)
9. EGYPT
10. ETHIOPIA
11. GABON
12. GHANA
13. COTE D'IVOIRE
14. KENYA
15. LESOTHO
16. LIBERIA
17. MALAWI
18. MALI
19. NIGERIA
20. SENEGAL
21. SOUTH AFRICA
22. SUDAN
23. TANZANIA
24. TUNISIA
25. UGANDA
26. ZAMBIA

Bibonywe kugira ngo bishyirwe ku mugereka w'Itegeko n° 18/2018 ryo ku wa 13/04/2018 ryemera kwemeza burundu Amategeko Shingiro n'Amasezerano by'Umuryango Nyafurika w'Itumanaho (ATU) byemerejwe i Cape Town, muri Repubulika y'Afurika y'Epfo, ku wa 07 Ukuboza 1999

Kigali, ku wa 13/04/2018

(sé)

KAGAME Paul

Perezida wa Repubulika

(sé)

Dr. NGIRENTE Edouard

Minisitiri w'Intebe

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)

BUSINGYE Johnston

Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

Seen to be annexed to the Law n° 18/2018 of 13/04/2018 approving the ratification of the Constitution and Convention of the African Telecommunications Union (ATU) adopted at Cape Town, Republic of South Africa, on 07 December 1999

Kigali, on 13/04/2018

(sé)

KAGAME Paul

President of the Republic

(sé)

Dr. NGIRENTE Edouard

Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)

BUSINGYE Johnston

Minister of Justice/Attorney General

Vu pour être annexé à la loi n°18/2018 du 13/04/2018 approuvant la ratification de la Constitution et la Convention de l'Union Africaine des Télécommunications (ATU) adoptées à Cape Town, République d'Afrique du Sud, le 07 décembre 1999

Kigali, le 13/04/2018

(sé)

KAGAME Paul

Président de la République

(sé)

Dr. NGIRENTE Edouard

Premier Ministre

Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston

Ministre de la Justice/Garde des Sceaux

ITEKA RYA PEREZIDA N° 069/01 RYO
KU WA 13/04/2018 RYONGERA
AMAFARANGA YA PANSIYO
N'AY'IBYAGO BIKOMOKA KU KAZI
ATANGWA N'IKIGO
CY'UBWITEGANYIRIZE MU RWANDA

PRESIDENTIAL ORDER N° 069/01 OF
13/04/2018 INCREASING PENSION AND
OCCUPATIONAL HAZARDS BENEFITS
GRANTED BY RWANDA SOCIAL
SECURITY BOARD

ARRETE PRESIDENTIEL N° 069/01 DU
13/04/2018 PORTANT MAJORATION
DES PRESTATIONS DE PENSION ET DE
RISQUES PROFESSIONNELS
OCTROYES PAR L'OFFICE RWANDAIS
DE LA SECURITE SOCIALE

ISHAKIRO

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Article 8: Entrée en vigueur

ITEKA RYA PEREZIDA N° 069/01 RYO KU WA 13/04/2018 RYONGERA AMAFARANGA YA PANSIYO N'AY'IBYAGO BIKOMOKA KU KAZI ATANGWA N'IKIGO CY'UBWITEGANYIRIZE MU RWANDA

Twebwe, KAGAME Paul,
Perezida wa Repubulika;

Ashingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo, iya 112, iya 120, iya 122 n'iya 176;

Ashingiye ku Itegeko Teka ryo ku wa 22 Kanama 1974 rigena imitunganyirize y'ubwiteganyirize bw'abakozi nk'uko ryahinduwe kandi ryujwe kugeza ubu, cyane cyane mu ngingo yaryo ya 41;

Ashingiye ku Itegeko n° 05/2015 ryo ku wa 30/03/2015 rigenga imitunganyirize y'ubwiteganyirize bwa pansiyu, cyane cyane mu ngingo yaryo ya 16;

Asubiye ku Iteka rya Perezida n° 36/01 ryo ku wa 08/04/2002 ryongera umubare w'amafaranga ya pansiyu n'andi y'ubwiteganyirize atangwa n'Isanduku y'Ubwiteganyirize bw'Abakozi y'u Rwanda.

Bisabwe na Minisitiri w'Imari n'Igenamigambi;

PRESIDENTIAL ORDER N°069/01 OF 13/04/2018 INCREASING PENSION AND OCCUPATIONAL HAZARDS BENEFITS GRANTED BY RWANDA SOCIAL SECURITY BOARD

We, KAGAME Paul,
President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122 and 176;

Pursuant to the Decree Law of 22 August 1974 organizing social security as modified and complemented to date, especially in Article 41;

Pursuant to Law n° 05/2015 of 30/03/2015 governing the organization of pension schemes, especially in Article 16;

Having reviewed the Presidential Order n° 36/01 of 08/04/2002 increasing pension and occupational hazards benefits provided by Social Security Fund of Rwanda.

On proposal by the Minister of Finance and Economic Planning;

ARRETE PRESIDENTIEL N° 069/01 DU 13/04/2018 PORTANT MAJORATION DES PRESTATIONS DE PENSION ET DE RISQUES PROFESSIONNELS OCTROYEES PAR L'OFFICE RWANDAIS DE LA SECURITE SOCIALE

Nous, KAGAME Paul,
Président de la République;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, et 176;

Vu le Décret-Loi du 22 Août 1974 portant organisation de la sécurité sociale tel que modifié et complété à ce jour, spécialement en son article 41;

Vu la Loi n° 05/2015 du 30/03/2015 régissant l'organisation des régimes de pension, spécialement en son article 16;

Revu l'Arrêté Présidentiel n° 36/01 du 08/04/2002 portant revalorisation des montants de pensions et rente servis par la Caisse Sociale du Rwanda.

Sur proposition du Ministre des Finances et de la Planification Economique;

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Inama y'Abaminisitiri, yateranye ku wa 14/02/2018, imaze kubisuzuma no kubyemeza;

After consideration and adoption by the Cabinet, in its session of 14/02/2018;

Après examen et adoption par le Conseil des Ministres, en sa séance du 14/02/2018;

TWATEGETSE KANDI DUTEGETSE:

HAVE ORDERED AND ORDER:

AVONS ARRETE ET ARRETONS:

Ingingo ya mbere: Icyo iri teka rigamije

Article One: Purpose of this Order

Article premier: Objet du présent arrêté

Iri teka ryongera amafaranga ya pansiyoni n'ay'ibyago bikomoka ku kazi atangwa n'ikigo cy'ubwiteganyirize mu Rwanda.

This Order increases pension and occupational hazard benefits granted by Rwanda Social Security Board.

Le présent arrêté porte majoration des prestations de pension et de risques professionnels octroyées par l'Office Rwandais de la Sécurité Sociale.

Ingingo ya 2: Amafaranga ya pansiyoni n'ay'ibyago bikomoka ku kazi atagibwa munsi

Article 2: Minimum pension and occupational hazard benefits

Article 2: Prestations minimales de pension ou de risques professionnels

Amafaranga y'ubwiteganyirize bwa pansiyoni n'ay'ibyago bikomoka ku kazi ahabwa uwiteganyirije ntashobora kujya munsi y'ibihumbi cumi na bitatu (13.000 FRW) ku kwezi.

Pension and occupational hazard benefits granted to the insured person cannot be less than thirteen thousand Rwandan francs (FRW 13,000) per month.

Les prestations de pension et de risques professionnels accordées à l'assuré ne peuvent pas être inférieures à treize mille francs rwandais (13.000 FRW) par mois.

Ingingo ya 3: Ihinategeko rikoreshwa mu kubara inyongera

Article 3: Formula for calculating the increase

Article 3: Formule de calcul de la majoration

Amafaranga ya pansiyoni n'ay'ibyago bikomoka ku kazi yongerewe hashingiwe ku ihinategeko rikurikira: amafaranga menshi ya pansiyoni cyangwa ay'ibyago bikomoka ku kazi yahawe uri mu cyiciro kibanziriza icyo uwiteganyirije arimo nyuma y'inyongera, hongeweho amafaranga yahabwaga mbere y'inyongera, hakuwemo amafaranga menshi yahabwaga uwiteganyirije mu cyiciro kibanziriza icyo

Pensions and occupational hazard benefits are increased according to the following formula: the highest pension or occupational hazard benefits which is granted to the insured person in the previous category after the increase, plus the benefits which was granted to beneficiary before the increase, minus the highest benefit which was paid in the preceding category before the increase, multiplied by the percentage

Les prestations de pension et de risques professionnels sont majorées selon la formule ci-après: les prestations maximales de pension ou de risques professionnels qui étaient accordées à l'assuré avant la majoration dans la catégorie précédente après la majoration, plus les prestations de l'assuré avant majoration, moins le montant maximal perçu dans la catégorie qui précède directement celle de

arimo mbere y'inyongera, gukuba ijanisha ry'inyongera ry'icyiciro uwiteganyirije arimo ritaganyijwe mu ngingo ya 4 y'iri teka.

Ingingo ya 4: Ijanisha ry'inyongera

Amafaranga ya pansiyu n'ay'ibyago bikomoka ku kazi yongerewe mu buryo bukurikira:

- 1° 149,8% kugeza ku 101,04% ku mafaranga y'u Rwanda ari hagati y'ibihumbi bitanu na magana abiri na rimwe (5.201 FRW) n'ibihumbi icumi (10.000 FRW) ku kwezi;
- 2° 100,9% kugeza kuri 63,02% ku mafaranga y'u Rwanda ari hagati y'ibihumbi icumi n'ifaranga rimwe ry'u Rwanda (10.001 FRW) n'ibihumbi makumyabiri (20.000 FRW) ku kwezi;
- 3° 63% kugeza kuri 34,22% ku mafaranga y'u Rwanda ari hagati y'ibihumbi makumyabiri n'ifaranga rimwe (20.001 FRW) n'ibihumbi mirongo itanu (50.000 FRW) ku kwezi;
- 4° 34,2% kugeza kuri 22,1% ku mafaranga y'u Rwanda ari hagati y'ibihumbi mirongo itanu n'ifaranga rimwe (50.001 FRW) n'ibihumbi ijana (100.000 FRW) ku kwezi;

increase of the beneficiary's category in accordance with article 4 of this order.

Article 4: Percentage increase

Pension and occupational hazards benefits are increased as follows:

- 1° 149.8% to 101.04% for the benefits between five thousand two hundred and one Rwandan francs (FRW 5,201) and ten thousand Rwandan francs (FRW 10,000) per month;
- 2° 100.9% to 63.02% for the benefits between ten thousand and one Rwandan francs (FRW 10,001) and twenty thousand Rwandan francs (FRW 20,000) per month;
- 3° 63% to 34.22% for the benefits between twenty thousand and one Rwandan francs (FRW 20,001) and fifty thousand Rwandan francs (FRW 50,000) per month;
- 4° 34.2% to 22.1% for the benefits between fifty thousand and one Rwandan francs (FRW 50,001) and one hundred thousand Rwandan francs (FRW 100,000) per month;

l'assuré avant majoration, multiplié par le taux de la majoration de la catégorie du bénéficiaire prévu à l'article 4 du présent arrêté.

Article 4: Taux de majoration

Les prestations de pension et de risques professionnels sont majorées de la façon suivante:

- 1° 149,8% à 101,04% pour les prestations comprises entre cinq mille deux cent et un francs rwandais (5.201 FRW) et dix mille francs rwandais (10.000 FRW) par mois;
- 2° 100,9% à 63,02% pour les prestations comprises entre dix mille et un franc rwandais (10.001 FRW) et vingt mille francs rwandais (20.000 FRW) par mois;
- 3° 63% à 34,22% pour les prestations comprises entre vingt mille et un francs rwandais (20.001 FRW) et cinquante mille francs rwandais (50.000 FRW) par mois;
- 4° 34,2% à 22,1% pour les prestations comprises entre cinquante mille et un francs rwandais (50.001 FRW) et cent mille francs rwandais (100.000 FRW) par mois;

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5° 22,08% kugeza kuri 13,56% ku mafaranga y'u Rwanda ari hagati y'ibihumbi ijana n'ifaranga rimwe (100.001 FRW) n'ibihumbi magana abiri (200.000 FRW) ku kwezi;

6° 13,54% kugeza kuri 5,74% ku mafaranga y'u Rwanda ari hagati y'ibihumbi magana abiri n'ifaranga rimwe (200.001 FRW) n'ibihumbi magana atanu (500,000 FRW) ku kwezi;

7° 5,74% kugeza kuri 0,504% ku mafaranga y'u Rwanda ari hagati y'ibihumbi magana atanu n'ifaranga rimwe (500.001 FRW) na miliyoni imwe (1.000.000 FRW) ku kwezi.

5° 22.08% to 13.56% for the benefits between one hundred thousand and one Rwandan francs (FRW 100,001) and two hundred thousand Rwandan francs (FRW 200,000) per month;

6° 13.54% to 5.74% for the benefits between two hundred thousand and one Rwandan francs (FRW 200,001) and five hundred thousand Rwandan francs (FRW 500,000) per month;

7° 5.74% to 0.504% for the benefits between five hundred thousand and one Rwandan francs (FRW 500,001) and one million Rwandan francs (FRW 1,000,000) per month.

5° 22,08% à 13,56% pour les prestations comprises entre cent mille et un francs rwandais (100.001 FRW) et deux cent mille francs rwandais (200.000 FRW) par mois;

6° 13,54% à 5,74% pour les prestations comprises entre deux cent mille et un francs rwandais (200.001 FRW) et cinq cent mille francs rwandais (500.000 FRW) par mois ;

7° 5,74% à 0,504% pour les prestations comprises entre cinq cent mille et un francs rwandais (500.001 FRW) et un million de francs rwandais (1.000.000 FRW) par mois.

Abasanzwe bahabwa amafaranga ya pansiyu cyangwa ay'ibyago bikomoka ku kazi ari hejuru ya miliyoni (1.000.000 FRW) bahawe inyongera iri hagati ya 0,502% na 0,071% ku mafaranga basanzwe bahabwa.

Ingingo ya 5: Amafaranga y'ingunga imwe

Mu gihe uwiteganyirije agomba guhabwa amafaranga y'ingunga imwe umushahara ngereranyo w'ukwezi ushingirwaho mu kubara ibimugenerwa ntushobora kujya muni y'amafaranga yavuzwe mu ngingo ya 2 y'iri teka.

Those who have been benefiting pension and occupational hazard benefits which are above one million Rwandan francs (FRW 1,000,000) are entitled to an increase between 0.502% and 0.071% on what they have been benefiting.

Article 5: Lump sum benefit

In case of a lump sum benefit, the average monthly salary based on when computing benefits shall not be less than the minimum amount mentioned in Article 2 of this Order.

Ceux qui bénéficient des prestations de pension et de risques professionnels supérieures à un million de francs rwandais (1.000.000 FRW) bénéficient d'une majoration comprise entre 0,502% et 0,071% à leurs prestations.

Article 5: Allocation unique

Au cas où l'assuré doit recevoir une allocation unique, la rémunération mensuelle moyenne servant de base de calcul des prestations ne peut pas être inférieure au montant mentionné à l'article 2 du présent arrêté.

Ingingo ya 6: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Intebe na Minisitiri w'Imari n'Igenamigambi bashinzwe gushyira mu bikorwa iri teka.

Ingingo ya 7: Ivanwaho ry'iteka n'ingingo zinyuranyije n'iri teka

Iteka rya Perezida n° 36/01 ryo ku wa 08/04/2002 ryongera umubare w'amafaranga ya pansiyoni n'andi y'Ubwiteganyirize atangwa n'Isanduku y'Ubwiteganyirize bw'Abakozi y'Urwanda n'ingingo zose z'amateka abanziriza iri kandi zinyuranyije na ryo zivanyweho.

Ingingo ya 8: Igihe iteka ritangira gukurikizwa

Iri teka ritangira gukurikizwa ku muni ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Article 6: Authorities responsible for the implementation of this Order

The Prime Minister and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order

Article 7: Repealing provision

Presidential Order n° 36/01 of 08/04/2002 increasing pension and occupational hazards benefits provided by Social Security Fund of Rwanda and all prior provisions contrary to this Order are repealed.

Article 8: Commencement

This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Article 6: Autorités chargées de l'exécution du présent arrêté

Le Premier Ministre et le Ministre des Finances et de la Planification Economique sont chargés de l'exécution du présent arrêté.

Article 7: Disposition abrogatoire

L'Arrêté Présidentiel n° 36/01 du 08/04/2002 portant revalorisation des montants de pensions et rente servis par la Caisse Sociale du Rwanda ainsi que toutes les dispositions antérieures contraires au présent arrêté sont abrogées.

Article 8: Entrée en vigueur

Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Official Gazette n°16bis of 16/04/2018

Kigali, ku wa **13/04/2018**

(sé)

KAGAME Paul
Perezida wa Repubulika

(sé)

Dr. NGIRENTE Edouard
Minisitiri w’Intebe

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika:**

(sé)

BUSINGYE Johnston
Minisitiri w’Ubutabera/Intumwa Nkuru ya
Leta

Kigali, on **13/04/2018**

(sé)

KAGAME Paul
President of the Republic

(sé)

Dr. NGIRENTE Edouard
Prime Minister

**Seen and sealed with the Seal of the
Republic:**

(sé)

BUSINGYE Johnston
Minister of Justice/Attorney General

Kigali, le **13/04/2018**

(sé)

KAGAME Paul
Président de la République

(sé)

Dr. NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

ITEKA RYA PEREZIDA N° 070/01 RYO KU WA 13/04/2018 RYEMEZA BURUNDU AMASEZERANO Y'UBUFATANYE MU BY'AMATEGEKO MU RWEGO MPANABYAHA HAGATI YA LETA YA REPUBULIKA Y'U RWANDA NA LETA YA REPUBULIKA YUNZE UBUMWE IHARANIRA DEMOKARASI YA ETIYOPIYA, YASHYIRIWEHO UMUKONO I KIGALI, MURI REPUBULIKA Y'U RWANDA, KU WA 28 MATA 2017

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PRESIDENTIAL ORDER N°070/01 OF 13/04/2018 ON RATIFICATION OF THE TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, SIGNED AT KIGALI, IN THE REPUBLIC OF RWANDA, ON 28 APRIL 2017

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Twebwe, KAGAME Paul,
Perezida wa Repubulika;

Dushingiye ku Itegeko Nshinga rya Repubulika y'u Rwanda ryo mu 2003 ryavuguruwe mu 2015, cyane cyane mu ngingo zaryo iya 112, iya 120, iya 122, iya 167, iya 168 n'iya 176;

Dushingiye ku Itegeko n° 001/2018 ryo ku wa 09/02/2018 ryemerera kwemeza burundu Amasezerano y'Ubufatanye mu by'Amategeko mu Rwego Mpanabyaha hagati ya Leta ya Repubulika y'u Rwanda na Leta ya Repubulika Yunze Ubumwe Iharanira Demokarasi ya Etiyopiya, yashyiriweho umukono i Kigali, muri Repubulika y'u Rwanda, ku wa 28 Mata 2017;

Tumaze kubona Amasezerano y'Ubufatanye mu by'Amategeko mu Rwego Mpanabyaha hagati ya Leta ya Repubulika y'u Rwanda na Leta ya Repubulika Yunze Ubumwe Iharanira Demokarasi ya Etiyopiya, yashyiriweho umukono i Kigali, muri Repubulika y'u Rwanda, ku wa 28 Mata 2017;

PRESIDENTIAL ORDER N°070/01 OF 13/04/2018 ON RATIFICATION OF THE TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, SIGNED AT KIGALI, IN THE REPUBLIC OF RWANDA, ON 28 APRIL 2017

We, KAGAME Paul,
President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 112, 120, 122, 167, 168 and 176;

Pursuant to Law n° 001/2018 of 09/02/2018 approving ratification of the Treaty on Mutual Legal Assistance in Criminal Matters between the Government of the Republic of Rwanda and the Government of the Federal Democratic Republic of Ethiopia, signed at Kigali, in the Republic of Rwanda, on 28 April 2017;

Considering the Treaty on Mutual Legal Assistance in Criminal Matters between the Government of the Republic of Rwanda and the Government of the Federal Democratic Republic of Ethiopia, signed at Kigali, in the Republic of Rwanda, on 28 April 2017;

ARRETE PRESIDENTIEL N°070/01 DU 13/04/2018 PORTANT RATIFICATION DU TRAITE D'ENTRAIDE JUDICIAIRE EN MATIERE PENALE ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE DU RWANDA ET LE GOUVERNEMENT DE LA REPUBLIQUE FEDERALE DEMOCRATIQUE D'ETHIOPIE, SIGNE A KIGALI, EN REPUBLIQUE DU RWANDA, LE 28 AVRIL 2017

Nous, KAGAME Paul,
Président de la République;

Vu la Constitution de la République du Rwanda de 2003 révisée en 2015, spécialement en ses articles 112, 120, 122, 167, 168 et 176;

Vu la Loi n° 001/2018 du 09/02/2018 approuvant la ratification du Traité sur l'Entraide Judiciaire en Matière Pénale entre le Gouvernement de la République du Rwanda et le Gouvernement de la République Fédérale Démocratique d'Ethiopie, signé à Kigali, en République du Rwanda, le 28 Avril 2017;

Considérant le Traité d'Entraide Judiciaire en Matière Pénale entre le Gouvernement de la République du Rwanda et le Gouvernement de la République Fédérale Démocratique d'Ethiopie, signé à Kigali, en République du Rwanda, le 28 Avril 2017;

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Bisabwwe na Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta;

On proposal by the Minister of Justice/Attorney General;

Sur proposition du Ministre de la Justice/Garde des Sceaux;

TWATEGETSE KANDI DUTEGETSE:

HAVE ORDERED AND HEREBY ORDER:

AVONS ARRETE ET ARRETONS:

Ingingo ya mbere: Kwemeza burundu

Amasezerano y'Ubufatanye mu by'Amategeko mu Rwego Mpanabyaha hagati ya Leta ya Repubulika y'u Rwanda na Leta ya Repubulika Yunze Ubumwe Iharanira Demokarasi ya Etiyopiya, yashyiriweho umukono i Kigali, muri Repubulika y'u Rwanda, ku wa 28 Mata 2017, ari ku mugereka, yemejwe burundu kandi atangiye gukurikizwa uko yakabaye.

Article One: Ratification

The Treaty on Mutual Legal Assistance in Criminal Matters between the Government of the Republic of Rwanda and the Government of the Federal Democratic Republic of Ethiopia, signed at Kigali, in the Republic of Rwanda, on 28 April 2017, in annex, is ratified and becomes fully effective.

Article premier: Ratification

Le Traité d'Entraide Judiciaire en Matière Pénale entre le Gouvernement de la République du Rwanda et le Gouvernement de la République Fédérale Démocratique d'Ethiopie, signé à Kigali, en République du Rwanda, le 28 Avril 2017, en annexe, est ratifié et sort son plein et entier effet.

Ingingo ya 2: Abashinzwe gushyira mu bikorwa iri teka

Minisitiri w'Intebe, Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta, Minisitiri w'Imari n'Igenamigambi na Minisitiri w'Ububanyi n'Amahanga, Ubutwererane n'Umuryango w'Ibihugu bya Afurika y'Iburasirazuba bashinzwe gushyira mu bikorwa iri teka.

Article 2: Authorities responsible for the implementation of this Order

The Prime Minister, the Minister of Justice/Attorney General, the Minister of Finance and Economic Planning and the Minister of Foreign Affairs, Cooperation and East African Community are entrusted with the implementation of this Order.

Article 2: Autorités chargées de l'exécution du présent arrêté

Le Premier Ministre, le Ministre de la Justice/Garde des Sceaux, le Ministre des Finances et de la Planification Economique et le Ministre des Affaires Etrangères, de la Coopération et de la Communauté de l'Afrique de l'Est sont chargés de l'exécution du présent arrêté.

Ingingo ya 3: Igihe iteka ritangira gukurikizwa

Iri teka ritangira gukurikizwa ku munsu ritangarijweho mu Igazeti ya Leta ya Repubulika y'u Rwanda.

Article 3: Commencement

This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda

Article 3: Entrée en vigueur

Le présent arrêté entre en vigueur le jour de sa publication au Journal Officiel de la République du Rwanda.

Official Gazette n°16bis of 16/04/2018

Kigali, ku wa **13/04/2018**

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
Dr. NGIRENTE Edouard
Minisitiri w'Intebe

**Bibonywe kandi bishyizweho Ikirango cya
Repubulika:**

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

Kigali, on **13/04/2018**

(sé)
KAGAME Paul
President of the Republic

(sé)
Dr. NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

Kigali, le **13/04/2018**

(sé)
KAGAME Paul
Président de la République

(sé)
Dr. NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux

**UMUGEREKA W'ITEKA RYA PEREZIDA
N°070/01 RYO KU WA 13/04/2018 RYEMEZA
BURUNDU AMASEZERANO
Y'UBUFATANYE MU BY'AMATEGEKO MU
RWEGO MPANABYAHA HAGATI YA LETA
YA REPUBULIKA Y'U RWANDA NA LETA
YA REPUBULIKA YUNZE UBUMWE
IHARANIRA DEMOKARASI YA ETIYOPIYA,
YASHYIRIWEHO UMUKONO I KIGALI,
MURI REPUBULIKA Y'U RWANDA, KU WA
28 MATA 2017**

**ANNEX TO PRESIDENTIAL ORDER
N°070/01 OF 13/04/2018 ON RATIFICATION
OF THE TREATY ON MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS
BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF RWANDA AND THE
GOVERNMENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA,
SIGNED AT KIGALI, IN THE REPUBLIC OF
RWANDA, ON 28 APRIL 2017**

**ANNEX A L'ARRETE PRESIDENTIEL
N°070/01 DU 13/04/2018 PORTANT
RATIFICATION DU TRAITE
D'ENTRAIDE JUDICIAIRE EN MATIERE
PENALE ENTRE LE GOUVERNEMENT
DE LA REPUBLIQUE DU RWANDA ET
LE GOUVERNEMENT DE LA
REPUBLIQUE FEDERALE
DEMOCRATIQUE D'ETHIOPIE, SIGNE
A KIGALI, EN REPUBLIQUE DU
RWANDA, LE 28 AVRIL 2017**



**TREATY
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF RWANDA
AND
THE GOVERNMENT OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA**

The Republic of Rwanda and the Federal Democratic Republic of Ethiopia herein after jointly referred to as the "Parties and separately as a "Party".

Guided by the friendly relations between the Parties,

Desiring to strengthen the close cooperation between the Parties and recognizing the need to facilitate the widest measure of Mutual Legal Assistance in Criminal Matters by improving the effectiveness of the competent authorities of the Parties in the investigation and prosecution of crimes and resulting proceedings,

Pursuant to the prevailing laws of the respective Parties,

HAVE AGREED as follows:

Article 1

Objective

The objective of this Treaty is to establish cooperation in the fields of Mutual Legal Assistance in criminal matters between the Parties in accordance with the provisions of this Treaty.

Article 2

Obligation to Provide Mutual Legal Assistance

1. The Parties shall, in accordance with this Treaty upon request provide each other with the widest measure of mutual legal assistance in criminal matters.
2. Mutual legal assistance is any assistance given by the Requested Party in respect of investigations, prosecutions or proceedings in criminal matters by competent authorities.

Article 3

Scope of assistance

1. The Parties shall provide, in accordance with the provisions of this Treaty, mutual legal assistance to each other, in respect of the investigation, prosecution and proceedings related to criminal matters.



2. Assistance shall include:
 - (a) taking the testimony or statements of persons;
 - (b) providing originals or certified copies of relevant documents, records and articles of evidence, including financial documents and records, criminal records of a person;
 - (c) locating and identifying persons or items;
 - (d) serving of documents;
 - (e) invite a person for testimony or to assist in investigation;
 - (f) transferring persons in custody for testimony or to assist in investigation;
 - (g) executing requests for searches and seizures;
 - (h) measures to locate, restrain and forfeit the proceeds of crime;
 - (i) executing pecuniary sentences, restitution and compensatory orders; and
 - (j) Exchange of information ;and
 - (k) any other form of cooperation in so far as it is not contrary to the national laws of the Requested Party within the scope of this Treaty.
3. This Treaty is solely for the purpose of mutual legal assistance between the Parties and the provisions thereof shall not give rise on the part of a private party to obtain evidence.
4. This Treaty shall apply to requests made pursuant to it whether or not the offence in question was committed prior to this Treaty entering into force.

Article 4

Exchange of information

The Parties may exchange information concerning the laws in force and the judicial practice in their respective countries related to the implementation of this Treaty.



Article 5
Non-Application

1. This Treaty shall not apply to:
 - a. the arrest or detention of any person with a view to the extradition of that person;
 - b. the enforcement in the Requested Party of criminal judgments imposed in the Requesting Party except to the extent permitted by the law of the Requested Party;
 - c. the transfer of persons in custody to serve sentences; and
 - d. the transfer of proceedings in criminal matters.
2. Nothing in this Treaty entitles any Party to undertake in the territory of the other Party the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other Party by its national law.

Article 6
Other assistance

This Treaty shall not affect any existing obligations between the Parties, whether pursuant to other agreements, arrangements, or otherwise, nor prevent the Parties from providing assistance to each other pursuant to other agreements, arrangement, or otherwise.

Article 7
Central Authority

1. The Central Authorities of the Parties shall process requests for mutual legal assistance pursuant to this Treaty.
2. The Central Authority for the Republic of Rwanda shall be the National Public Prosecution Authority and for the Federal Democratic Republic of Ethiopia shall be the Federal Attorney General.
3. Either Party may change its Central Authority in which case, it shall notify the other Party of the change.
4. Requests for assistance and communications shall be addressed through diplomatic channels for the purpose of this Treaty.
5. The Central Authorities may communicate with each other directly in urgent matters.

Article 8

Requests

1. Requests for assistance shall be formally made in writing. In urgent circumstances, the Central Authority of the Requested Party may accept the request by facsimile or e-mail or other similar type of communication, in this case it shall be confirmed within thirty (30) days by a formal request through diplomatic channels.
2. Requests for assistance shall include:
 - a. the name of the competent authority conducting the investigation or criminal proceedings to which the request relates;
 - b. the purpose of the request and the nature of the assistance sought;
 - c. a description of the nature of the criminal matter and its current status, and a statement setting out a summary of the relevant facts and law, including the maximum penalty for the offence to which the request relates;
 - d. a description of the evidence, information or other assistance sought;
 - e. the reasons for and details of any particular procedure or requirement that the Requesting Party wishes to be followed;
 - f. specification of any time limit within which compliance with the request is desired;
 - g. any special requirements for confidentiality and the reasons for it, and
 - h. such other information or undertaking as may be required under the national law of the Requested Party or which is otherwise necessary for the proper execution of the request.
3. Requests for assistance may also, to the extent necessary, contain the following information:
 - a. the identity, nationality and location of the person or persons who are the subject of the investigation or criminal proceedings;
 - b. the identity and location of any person from whom evidence is sought;
 - c. the identity and location of a person to be served, that person's relationship to the criminal proceedings, and the manner in which service is to be made;
 - d. information on the identity and whereabouts of a person to be located;
 - e. a description of the manner in which any testimony or statement is to be taken and recorded;
 - f. a list of questions to be asked of a witness;
 - g. a description of the documents, records or items of evidence to be produced as well as a description of the appropriate person to be asked to produce them and, to the extent not otherwise provided for, the form in which they should be produced and authenticated;
 - h. a statement as to whether sworn or affirmed evidence or statements are required;

- i. a description of the property, asset or article to which the request relates; including its location; and
 - j. any court order relating to the assistance requested and a statement relating to the finality of that order.
 - k. if a detained person is to be made available, an indication of the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the date of the return of that person.
4. All requests shall be made in English and supporting documents shall be translated into English language and shall be officially signed and sealed by the relevant authorities.

Article 9

Additional information

If the Requested Party considers that the information contained in the request is not sufficient to enable the request to be dealt with, the Requested Party may request additional information. The Requesting Party shall supply such additional information as the Requested Party considers necessary to enable the request to be fulfilled.

Article 10

Refusal of assistance

1. Assistance shall be refused if:
 - a. the request relates to an offence only under military law;
 - b. the request relates to the prosecution of a person for an offence in respect of which the person has been finally convicted, acquitted, pardoned or has served the sentence imposed in the Requested Party;
 - c. there are substantial grounds for believing that the request for assistance has been made for the purpose of investigating, prosecuting or punishing a person on account of that person's race, sex, religion, nationality or political opinions, or, that the request for assistance will result in that person being prejudiced for any of those reasons;
 - d. the provision of the assistance would impair the sovereignty, security, public order or essential interests of the Requested Party.
2. The Requested Party may refuse assistance if:
 - a. the act or omission alleged to constitute the offence to which the request relates, would not, if they had taken place within the jurisdiction of the Requested Party, have constituted an offence;

- b. the request relates to an offence, which is subject to investigation or proceeding in the requested Party under its own jurisdiction;
- c. the execution of the request would be contrary to the national law of the Requested Party.
3. Assistance may not be refused solely on the ground of secrecy of banks and similar financial institutions or that the offence is also considered to involve fiscal matters.
4. Before refusing a request, the Requested Party shall consider whether assistance may be granted subject to certain conditions.
5. If the Requesting Party accepts assistance subject to the terms and conditions required under paragraph 4 of this Article, it shall comply with such terms and conditions.
6. If the Requested Party refuses assistance, it shall promptly inform the Requesting Party of the grounds of refusal.

Article 11

Execution of requests

1. Requests for assistance shall be executed promptly by the competent authorities of the Requested Party in accordance with the law of that Party and, to the extent that law permits, in the manner requested by the Requesting Party.
2. The Requested Party shall promptly inform the Requesting Party of circumstances, when they become known to the Requested Party, which are likely to cause a significant delay in the execution of the request.
3. The Requested Party may postpone the execution of the request if its immediate execution would interfere with any ongoing criminal matters in the Requested Party. The Requested Party may also postpone the delivery of documents if such documents are required for civil proceedings in that Party, in which case the Requested Party shall, upon request, provide certified copies of documents.
4. Before postponing the execution of a request, the Requested Party shall consider whether assistance may be granted subject to certain conditions.
5. If the Requested Party postpones assistance, it shall promptly inform the Requesting Party of the grounds of postponement.

Article 12

Return of materials to the requested party

When required by the Requested Party, the Requesting Party shall return materials provided under this Treaty when it is no longer needed for the criminal matter to which the request relates.

Article 13

Confidentiality and limitation on use

1. The Requested Party shall keep confidential a request for assistance, the contents of the request and its supporting documentation, and any action taken pursuant to the request. If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party before executing the request, and the Requesting Party shall advise whether it nevertheless wishes the request to be executed.
2. The Requesting Party shall keep confidential the information and evidence provided by the Requested Party, except to the extent that the evidence and information is needed for the criminal matters to which the request relates and where otherwise authorized by the Requested Party.
3. The Requesting Party shall ensure that the information or evidence is protected against loss, unauthorized access, modification, disclosure or misuse.
4. The Requesting Party shall provide assurances that it will not use the information or evidence obtained, or anything derived there from, for purposes other than those stated in a request without the prior consent of the Requested Party.

Article 14

Service of documents

1. The Requested Party shall, to the extent its law permits, carry out requests for the service of documents in respect of a criminal matter.
2. A request for service of summons requiring the appearance of a person as a witness in the Requesting Party shall be made to the Requested Party within a reasonable time before the scheduled appearance.
3. The Requested Party shall forward to the Requesting Party proof of service of the documents. If service cannot be affected, the Requesting Party shall be so informed and advised of the reasons.
4. A person who fails to comply with any process served on him or her shall not thereby be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 15

Taking of evidence or statements from persons

1. The Requested Party shall, to the extent its law permits and upon request, take testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the Requesting Party.

2. The Requested Party shall, to the extent its law permits, allow the presence of such persons as are specified in the request during the execution of request, and may also allow such persons and their legal representatives to question the person whose testimony or evidence is being taken. In the event that such direct questioning is not permitted, such persons shall be allowed to submit written questions.
3. A person from whom evidence is to be taken in the Requested Party- pursuant to a request under this Article may decline to give evidence where the law of the Requested Party or that of the Requesting Party so provides.
4. If any person in the Requested Party- claims that there is a right or obligation to decline to give evidence under the law of the Requesting Party, the Requesting Party shall, upon request, provide a certificate to the Requested Party as to the existence of that right. In the absence of evidence to the contrary, the certificate shall be sufficient evidence of the matters stated in it.
5. For the purposes of this Article, the taking of evidence includes the production of documents or other material.

Article 16

Making arrangements for persons in custody to give evidence or assistance

1. A person in custody in the Requested Party may, at the request of the Requesting party, be temporarily transferred to that Party to give evidence or to assist in criminal proceedings in that Party.
2. The Requested Party shall transfer a person in custody to the Requesting Party only if:
 - a. the person freely consent to the transfer; and
 - b. the Requesting Party agrees to comply with any conditions specified by the Requested Party relating to the custody or security of the person to be transferred.
3. Where the Requested Party advises the Requesting Party that the transferred person is no longer required to be held in custody, that person shall be released and be treated as a person present in the Requesting Party pursuant to a request seeking that person's attendance.
4. The Requesting Party shall return the person transferred to the custody of the Requested Party within one month from his surrender, or such a later time as may be agreed by both Central Authorities and person transferred and in any event no later than the date upon which he would have been released from custody in the territory of the Requested State



5. A person in custody who is transferred shall receive credit for service of the sentence imposed in the Requested Party for the time spent in custody in the Requesting Party.
6. A person in custody who does not consent to give evidence or to assist in criminal proceedings in the Requesting Party shall not by reason thereof, be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 17

Availability of other persons to give evidence or assistance

1. The Requesting Party may request the assistance of the Requested Party in inviting a person, not being a person to whom Article 15 of this Treaty applies, to give evidence or provide assistance in the Requesting Party. The Requesting Party shall undertake to make satisfactory arrangements for the safety of such person.
2. The Requested Party shall invite the person and promptly inform the Requesting Party of the person's response. If the person consents, the Requested Party shall take all necessary steps to facilitate the request.
3. A person who does not consent to give evidence or to provide assistance under this Article shall not by reason thereof be liable to any penalty or coercive measure pursuant to the law of the Requesting Party or the Requested Party.

Article 18

Video conference

For the purpose of this Treaty, the Parties may agree for the use of live video or all live television links or other appropriate communication facilities in accordance with the laws and procedures of both Parties if it is expedient and in the interests of justice.

Article 19

Transit of persons in custody

1. A Party may, subject to its national laws, authorize the transit through its territory of a person in custody whose appearance has been requested by the other Party requesting for transit related to mutual legal assistance request.
2. The Party where the transit takes place shall, subject to its national laws, have the authority and obligation to make the necessary arrangements for keeping the person in custody during transit.

Article 20

Rule of specialty

1. Subject to paragraph 2 of this article, where a person is in the Requesting Party pursuant to a request made under Articles 15 and 16 of this Treaty:
 - a. the person shall not be detained, prosecuted or restricted in his personal liberty in the Requesting Party for any criminal offence which preceded his or her departure from the Requested Party;
 - b. the person shall not be subject to civil proceedings to which the person could not be subjected if he or she were not in the Requesting Party; and
 - c. the person shall not, without his or her consent, be required to give evidence in any criminal proceedings or to assist in any criminal investigation other than the criminal matter to which the request relates.
2. Paragraph 1 of this Article ceases to apply if that person, being free to leave, has not left the Requesting Party within a period of thirty (30) days after he or she has been officially notified that his or her presence is no longer required or, having left, has returned.
3. A person who consents to give evidence pursuant to Articles 15 or 16 of this Treaty shall not be subject to prosecution based on his or her testimony, except for perjury or contempt of court.

Article 21

Provision of publicly available documents and other records

1. The Requested Party shall, upon request, provide the Requesting party with copies of publicly available documents or records.
2. The Requested Party may, upon request, subject to its national law, provide the Requesting Party with copies of any documents or records in the possession of government departments and agencies that are not publicly available.

Article 22

Search and seizure

1. The Requested Party shall, to the extent its national law permits, carry out requests made in respect of a criminal matter in the Requesting Party for the search and seizure.
2. The relevant authority of the Requested Party that had executed a request for search and seizure shall provide such information in the form as may be required by the Requesting Party.

3. The Requested Party shall provide such information as may be required by the Requesting Party concerning the result of any search, the place and circumstances of seizure and the subsequent custody of the material seized.
4. The Requesting Party shall observe any conditions required by the Requested Party in relation to any seized material which is delivered to the Requesting Party.

Article 23

Provisional Measures Related to Property

1. The Requested Party, taking in to account its own legislation and at the request of the Requesting Party, shall execute requests relating to precautionary measures relating to property.
2. The competent authority which has executed a request relating to precautionary measures, shall provide the information requested by the Requesting Party and any information which might prove relevant, not only concerning the identity, situation, integrity and continued possession of documents, records or items involved, but also the circumstances of the precautionary measure.

Article 24

Return of Embezzled Public Funds

1. When the Requested Party seizes or confiscates assets that constitute public funds, whether or not these have been laundered, and which have been embezzled from the Requesting Party, the Requested Party shall return the seized or confiscated assets, less any reasonable costs or realization, to the Requesting Party.
2. The return shall occur once a final judgment has been given in the Requesting Party.

Article 25

Proceeds and instrumentalities of crimes

1. The Requested Party shall, upon request; endeavor to ascertain whether any proceeds and/or instrumentalities of crimes are located within its jurisdiction and shall notify the Requesting Party of the results of its inquiries. In making the request, the Requesting Party shall notify the Requested Party of the basis of its belief that such proceeds and/or instrumentalities of crimes may be located in the latter's jurisdiction.

2. Where, pursuant to paragraph 1 of this Article, suspected proceeds and/or instrumentalities of crimes are found, the Requested Party shall take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds and/or instrumentalities of crimes, pending a final determination in respect of those proceeds by a court of the Requesting Party.
3. The Requested Party shall, to the extent its law permits, give effect to a final order forfeiting or confiscating the proceeds and/or instrumentalities of crimes made by a court of the Requesting Party.
4. In the application of this Article, the rights of bona fide third party shall be respected under the law of the Requested Party. Where there is a claim from a third party, the Requested Party shall represent the interests of the Requesting Party in seeking to retain the proceeds and/or instrumentalities of crimes until a final determination by a competent court in the Requesting Party.
5. The Requested Party shall return the proceeds and/or instrumentalities of crimes referred to in paragraph 3 of this Article, or the value of the proceeds and/or instrumentalities, to the Requesting Party, to the extent permitted by its national laws and upon such terms as it deems appropriate.

Article 26

Certification and authentication of documents

1. Subject to paragraph 2, a request for assistance, the documents in support thereof, and documents furnished in response to a request, shall not require any form of certification or authentication.
2. Where, in a particular case, the Requested or Requesting Party requests that documents be authenticated, the documents shall be duly authenticated by the relevant authorities.

Article 27

Representation and expenses

1. Unless otherwise provided in this Treaty, the Requested Party shall make all necessary arrangements for the representation of the Requesting Party in all proceedings arising out of a request for assistance and shall otherwise represent the interests of the Requesting Party.
2. The Requested Party shall meet the cost of fulfilling the request for assistance except that the Requesting Party shall bear:

- a. the travel and accommodation expenses and any other allowances of a person who provides assistance pursuant to a request under Article 15 or 16 of this Treaty;
 - b. fees and expenses of experts and the translation of documents.
3. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Parties shall consult to determine the terms and conditions under which the assistance can be provided.

Article 28

Settlement of disputes

Any dispute arising out of the interpretation, application or implementation of this Treaty shall be resolved through diplomatic channels if the Central Authorities are unable to reach agreement.

Article 29

Ratification, entry into force, amendment and termination

1. This Treaty is subject to ratification.
2. This Treaty shall enter into force on the 30th day after the date of receipt of the last diplomatic note by which the Parties inform each other of the ratification of the Treaty.
3. This Treaty may be amended by mutual consent of the Parties and the provisions of this Article shall be applied thereof.
4. Requests made under this Treaty can apply to offences committed prior to its entry into force.
5. Either Party may terminate this Treaty by notice in writing through diplomatic channels at any time. Termination shall take effect six (6) months after the date on which the notice is given. However, proceedings already commenced before notification shall continue to be governed by this Treaty until conclusion therein.



IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty in two copies, each in English language, all texts being equally authentic.

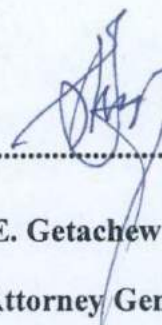
Done at Kigali on this 28th day of the month of April in the year 2017.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF RWANDA**

**FOR THE GOVERNMENT OF THE
FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA**



.....
Hon. Johnston BUSINGYE
Minister of Justice / Attorney General



.....
H.E. Getachew Ambaye
Attorney General of
Federal Attorney General

Bibonywe kugira ngo bishyirwe ku mugereka w'Iteka rya Perezida n° 070/01 ryo ku wa 13/04/2018 ryemeza burundu Amasezerano y'Ubufatanye mu by'Amategeko mu Rwego Mpanabyaha hagati ya Leta ya Repubulika y'u Rwanda na Leta ya Repubulika Yunze Ubumwe Iharanira Demokarasi ya Etiyopiya, yashyiriweho umukono i Kigali, muri Repubulika y'u Rwanda, ku wa 28 Mata 2017

Kigali, ku wa 13/04/2018

(sé)
KAGAME Paul
Perezida wa Repubulika

(sé)
Dr. NGIRENTE Edouard
Minisitiri w'Intebe

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta

Seen to be annexed to Presidential Order n°070/01 of 13/04/2018 on ratification of the Treaty on Mutual Legal Assistance in Criminal Matters between the Government of the Republic of Rwanda and the Government of the Federal Democratic Republic of Ethiopia, signed at Kigali, in the Republic of Rwanda, on 28 April 2017

Kigali, on 13/04/2018

(sé)
KAGAME Paul
President of the Republic

(sé)
Dr. NGIRENTE Edouard
Prime Minister

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/Attorney General

Vu pour être annexé à l'Arrêté Présidentiel n° 070/01 du 13/04/2018 portant ratification du Traité d'Entraide Judiciaire en Matière Pénale entre le Gouvernement de la République du Rwanda et le Gouvernement de la République Fédérale Démocratique d'Ethiopie, signé à Kigali, en République du Rwanda, le 28 Avril 2017

Kigali, le 13/04/2018

(sé)
KAGAME Paul
Président de la République

(sé)
Dr. NGIRENTE Edouard
Premier Ministre

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/Garde des Sceaux