

**CONVENTION  
OF THE  
EAST, CENTRAL AND SOUTHERN AFRICA  
HEALTH COMMUNITY**

**WE**, the Governments of member States of East, Central and Southern Africa:

PURSUANT to the principles and objectives of the East, Central and Southern African Health Community;

**CONSCIOUS** of the importance of attaining the highest standard of health for our people;

**CONVINCED** of the need for a permanent machinery which would foster cooperation and coordination in the fields of health within the East, Central and Southern African countries; and

**DESIROUS** of establishing the East, Central and Southern Africa Health Community to achieve the objectives set out in this Convention,

**HEREBY AGREE AS FOLLOWS:**

## **ARTICLE 1**

### **ESTABLISHMENT OF THE EAST, CENTRAL AND SOUTHERN AFRICA HEALTH COMMUNITY**

By this Convention, the member States hereby establish among themselves the EAST, CENTRAL AND SOUTHERN AFRICA HEALTH COMMUNITY (hereinafter referred to as "the Community").

## **ARTICLE 2**

### **MEMBERSHIP**

The membership of the Community shall be open to States within the East, Central and Southern Africa Region that ratify or accede to the Convention.

## **ARTICLE 3**

### **OBJECTIVES OF THE COMMUNITY**

The objectives of the Community shall be:

- (a) to maintain and extend cooperation among member States for the improvement of health systems and services;
- (b) to undertake such activities as shall contribute towards the attainment of the highest standard of health for its people;

- (c) to promote access to health services that are efficient, effective, equitable and of the highest quality;
- (d) to promote the development of human resources for health through the establishment and strengthening of educational and training institutions and programmes;
- (e) to encourage and facilitate co-operation between health administrations of member States and international health organizations and institutions; and
- (f) to encourage and facilitate the conduct of research, dissemination and application of health research findings.

#### **ARTICLE 4**

#### **ORGANS OF THE COMMUNITY**

The organs of the Community shall be:

- (a) the Conference of Health Ministers;
- (b) the Advisory Committee; and
- (c) the Secretariat.

#### **ARTICLE 5**

#### **THE CONFERENCE OF HEALTH MINISTERS**

1. There is hereby established a Conference of Health Ministers (hereinafter referred to as "the Conference") which shall be the supreme and governing organ of the Community. The Conference shall consist of the Ministers responsible for health in the Governments of member States.
2. The functions of the Conference shall be:
  - (a) to keep under review and to ensure the proper functioning of this Convention;
  - (b) to give general direction to and exercise control over the Secretariat;

- (c) to determine the general principles and policies governing the activities of the Secretariat to achieve the objectives laid down in Article 3 of this Convention;
- (d) to examine and approve the programme of activities and accounts of the Secretariat and to determine the ceiling of the Annual Budget;
- (e) to determine the scale of contributions by member States;
- (f) to determine from time to time the composition of the Advisory Committee;
- (g) to decide on matters submitted to it by the Advisory Committee;
- (h) to approve financial regulations, staff regulations, and conditions of service of the staff of the Secretariat;
- (i) to submit to member States for their approval recommendations and international conventions on matters affecting the objectives of the Community and consider reports from member States on such recommendations and conventions;
- (j) to establish such special professional or technical agencies or committees as it may deem necessary and desirable;
- (k) to appoint the Director General and other senior staff of the Secretariat;
- (l) to consider the reports of the Advisory Committee on its activities for the preceding period;
- (m) to consider the reports of the **Director General** on the activities of the Secretariat during the preceding period;
- (n) to take such steps as may promote the attainment of the objectives of the Community; and
- (o) to adopt a strategic and thematic approach in defining its agenda and adopt action plans at each conference to guide the work of the Secretariat and member States

## **ARTICLE 6**

### **MEETINGS OF THE CONFERENCE**

1. The Conference shall meet in ordinary sessions twice every year but, it may meet in extra-ordinary sessions if it so determines or if requested by a simple majority of the member States.
2. The ordinary and extra-ordinary meetings of the Conference shall, subject to invitation, be held in alphabetical rotation in member States or at such places as may be determined by the Conference.
3. There shall be a Chairperson and a Vice-Chairperson of the Conference who shall be elected by the members of the Conference from amongst themselves in accordance with the rules of procedure of the Conference.
4. The decisions of the Conference shall be by consensus.
5. Subject to this Convention, the Conference shall determine its rules of procedure including those for convening meetings, conducting business at such meetings and for the annual rotation of the office of Chairperson and other officers among members of the Conference.
6. A member of the Conference may be accompanied to meetings of the Conference by as many advisers as the member may consider necessary.
7. The Conference may, subject to its rules of procedure and on the recommendations of the Advisory Committee, invite such persons or organizations as it may deem desirable to attend meetings of the Conference.
8. The Conference shall adopt its report at the end of its meeting.

## **ARTICLE 7**

### **ADVISORY COMMITTEE: ESTABLISHMENT, COMPOSITION AND FUNCTIONS**

1. There is hereby established an Advisory Committee of the Community (hereinafter referred to as "the Committee").
2. Subject to the provisions of sub-paragraph (f) of paragraph 2 of Article 5 of this Convention, the Committee shall consist of four members appointed by member states in alphabetical order and

such membership shall rotate by one being replaced every year in January.

- 3.** Nominees to the Advisory Committee shall be persons with a background in health policy and health services management.
4. There shall be a Financial Adviser who shall be an Accountant or a person experienced in financial matters (management and planning) appointed by the Member State, which has immediately been replaced on the Committee. The Financial Adviser shall serve on the Committee for three years and shall have no voting rights.
5. There shall be a Chairperson of the Committee who shall be elected by the members of the Committee from amongst themselves and shall hold office for one year beginning January.
6. The Committee shall:
  - (a) consider the draft work programme, the auditors report, and the budget and shall submit the same with such recommendations as it may deem necessary for the approval of the Conference;
  - (b) subject to such directions of a general nature as the Conference may give, have overall responsibility in between ordinary meetings of the Conference for:
    - (i) defining priorities and planning of technical health programmes and the execution of the approved technical programmes of the Community;
    - (ii) handling management and disciplinary matters arising within the Secretariat and recommend appropriate action to the Conference of Ministers;
  - (c) submit to each meeting of the Conference a report on its activities as required;
  - (d) hold consultations with international organisations and individuals on matters within its competence;
  - (e) assess annual contributions of member States to the budget of the Secretariat;
  - (f) whenever necessary, propose basic salaries, allowances and terms and conditions of service for all staff of the Secretariat for approval by the Conference;

- (g) prepare any required rules and regulations for the approval of the Conference;
- (h) make recommendations to the Conference on the admission of any new member State;
- (i) advise the Conference on the withdrawal of membership by any member State; and
- (j) prepare provisional agenda for the meetings of the Conference.

## **ARTICLE 8**

### **MEETINGS OF THE ADVISORY COMMITTEE**

1. The Advisory Committee shall meet twice every year but it may meet in extra-ordinary session if it so determines or if requested by a simple majority of its members or by the Chairperson.
2. Subject to such direction as the Conference may give, the Committee shall be guided by its rules of procedure for conducting meetings.

## **ARTICLE 9**

### **THE SECRETARIAT**

1. There is hereby established a Secretariat of the Community (hereinafter referred to as "the Secretariat"). The Secretariat headquarters shall be in Arusha, Tanzania.
2. The Secretariat Administration shall consist of such staff as the Conference may from time to time determine.
3. The Director General and any other senior staff shall be appointed by the Conference in accordance with the staff rules and regulations and terms and conditions of service of the Community.
4. The Director General shall be the principal executive officer of the Community and shall:
  - (a) be the head of the Secretariat;
  - (b) be the Accounting Officer of the Community;
  - (c) be the Secretary and ex-officio member of the Conference and the Committee; and

- (d) carry out such other duties as are conferred upon him by this Convention or by the Conference from time to time.
- 5. The Director General shall appoint any other staff of the Secretariat not appointed by the Conference.
- 6. The Director General shall submit through the Committee for approval by the Conference proposals on the programme of work of the Secretariat, budget estimates and the auditors report on the preceding year.
- 7. The Director General shall prepare and submit to the Committee, Annual Reports covering the financial year on the activities of the Secretariat.
- 8. The Director General shall ensure the implementation of the decisions of the Conference and the Committee.
- 9. In the performance of their functions, the Director General and other staff of the Community shall not seek or receive instructions from any member State or from any other authority external to the Community. They shall refrain from any actions which may adversely reflect on their position as international civil servants and shall be responsible only to the Community.
- 10. Each member state undertakes to respect the international character of the responsibilities of the Director General and other staff of the Secretariat and shall not seek to influence them in the performance of their duties.

## **ARTICLE 10**

### **BUDGET AND FINANCIAL PROVISIONS**

- 1. There shall be a budget of the Community which shall be administered by the Director General under the supervision of the Committee. The budget of the **Community** shall be approved biannually.
- 2. Sources of revenue of the Community shall be:
  - (a) contributions made by member states in accordance with the scale of assessment established by the Conference;
  - (b) extra budgetary contributions from member states approved by the Committee; and

- (c) gifts, bequests, assistance and other subventions from governments, public and private institutions, international organisations, associations and members of the public.
3. Expenditure of the Community shall be made out of expenses related to:
    - (a) sessions of the Conference;
    - (b) sessions of the Committee;
    - (c) the Community;
    - (d) administrative, technical and professional conferences; and
    - (e) any other activities pertaining to the aims and objectives of the Community especially in the field of education, training and research.
  4. Member states shall pay in advance their contributions calculated on the basis of the budget approved by the Conference.
  5. Contributions are to be paid by member states to the Secretariat within three months of the start of the financial year. Failing to pay within the specified period, it will be required from the Ministers concerned to write to the Chairperson of the Conference of Ministers explaining the circumstances of this failure, sending a copy to the Secretariat. Any member state whose contribution is in arrears for two consecutive years shall be required to give a formal explanation to the Conference, which shall be recorded in the Conference report.
  6. The government of the member state in whose territory the Secretariat is located may, at the request of the Secretariat, advance the funds necessary pending refund from the member countries' contribution to the Community.
  7. The accounts of the Community shall be kept in the currency and accounts specified by the Committee; however the official reference unit shall be the United States dollar.
  8. The financial year of the Community shall begin on 1<sup>st</sup> July and end on 30<sup>th</sup> June of the following year.

## **ARTICLE 11**

### **RELATIONS WITH OTHER REGIONAL AND INTERNATIONAL ORGANIZATIONS AND DEVELOPMENT PARTNERS**

1. The Secretariat shall cooperate with other regional and international organizations and development partners, whose interests and activities are related to those of the Community, and to this end the Director General shall establish effective working relations with such organisations and agencies.
2. Any formal arrangement entered into by the Director General in pursuance of paragraph 1 of this Article shall be subject to the approval of the Conference.
3. Where any regional or international organization or development partner seek the assistance of the Secretariat in undertaking certain health related activities the Director General may, subject to the approval of the Committee, enter into a mutually agreed arrangement for that purpose.

## **ARTICLE 12**

### **AMENDMENTS**

1. This Convention may be amended at any time by agreement of all the member States.
2. Any member State may submit proposals for the amendment of this Convention.
3. Any proposals for the amendment of this Convention shall be submitted to the Director General in writing who shall, within thirty days (30) of its receipt, communicate the proposed amendment to the member States.
4. Any member State that may wish to comment on the proposals shall do so within ninety days (90) from the date of the dispatch of the proposal by the Director General.
5. After the expiration of the period prescribed under sub Article 4, the Director General shall, through the Committee, submit to the Conference the proposals and any comments thereon received from the member States.
6. Amendments to this Convention shall come into force for all member States when adopted by a two-thirds vote of the Conference.

## **ARTICLE 13**

### **SETTLEMENT OF DISPUTES**

1. Any dispute concerning the interpretation or application of this Convention shall be submitted to mediation of a member State that is neither a party to the dispute nor a member of the Committee, after an attempt by the Director General has failed.
2. If mediation fails, the dispute shall be submitted to an arbitration tribunal by one of the parties to the dispute. The arbitration tribunal shall be composed of three member States who shall be nominated as follows:
  - (a) two arbitrators, one nominated by each of the parties;
  - (b) the third arbitrator nominated by agreement by the arbitrators chosen by the parties who shall be called upon to preside over the arbitration tribunal. The third arbitrator shall be a member State that is not party to the dispute; and
  - (c) the decision of the arbitration tribunal shall be final and binding on the parties to the dispute.
3. The provisions of this Article shall be without prejudice to the choice of any other mode of settlement that the parties concerned may jointly decide upon in keeping with the spirit of the Convention.

## **ARTICLE 14**

### **LEGAL STATUS, PRIVILEGES AND IMMUNITIES**

1. The Community shall enjoy international legal personality.
2. Each of the member States undertakes to accord to the Community and its officers the privileges and immunities accorded to similar international organizations in its territory.
3. The Director General shall conclude with the host country an agreement defining the *legal* status of the Secretariat, which is the Headquarters of the Community.

## **ARTICLE 15**

### **RIGHTS AND OBLIGATIONS OF MEMBER STATES**

All member States shall enjoy equal rights and have equal duties and undertake to respect the provisions of this Convention.

## **ARTICLE 16**

### **WITHDRAWAL OF MEMBERSHIP**

1. Any member State that desires to withdraw its membership from the Community shall give twelve months (12) notice in writing to the Director General, who shall immediately notify the Committee.
2. A member State that has given notice to withdraw its membership from the Community, shall, during the twelve months referred to in sub Article 1, continue to be liable to discharge its obligations under this Convention.
3. A member State that withdraws its membership from the Community shall not be discharged of its obligations, nor shall such withdrawal affect any right, which accrued to that member State, during the period of its membership.
4. At the expiration of the period of notice, the member State shall, unless the notice is withdrawn, cease to be a member of the Community.

## **ARTICLE 17**

### **ENTRY INTO FORCE**

This Convention shall enter into force with retrospective effect from 1<sup>st</sup> July 1980 upon ratification and deposit of instruments of ratification by two thirds (2/3) of the member States.

## **ARTICLE 18**

### **ACCESSION AND DEPOSITORY**

This Convention and Instruments of Ratification and Accession shall be deposited with the Director General who shall transmit true copies of this Convention to all member States and notify them of the dates of deposit of the instruments of ratification and accession.

## **ARTICLE 19**

### **COMMON SEAL**

1. There shall be a common seal of the Community, which shall be kept in the custody of the Director General.
2. The seal of the Community shall not be affixed to any instrument except by authority of the Director General.

## **ARTICLE 20**

### **SAVINGS AND TRANSITION**

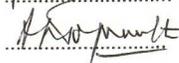
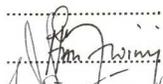
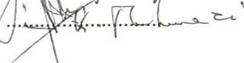
1. This Convention shall replace the Convention of the Commonwealth Regional Health Community for East, Central and Southern Africa. However, the Convention of the Commonwealth Regional Health Community for East, Central and Southern Africa shall remain operative for a transitional period of twelve (12) months or such period as may be determined by the Conference following the adoption of the amendments to the Convention of the Commonwealth Regional Health Community for East, Central and Southern Africa for the purposes of enabling the Commonwealth Regional Health Community for East, Central and Southern Africa to undertake the necessary measures regarding the devolution of its assets and liabilities to the Community and all matters relating thereto.
2. Subject to sub Article 1, the assets and liabilities of the Commonwealth Regional Health Community for East, Central and Southern Africa shall vest in the Community upon adoption of the amendments.
3. The provisions of this Convention shall take precedence over and supersede any inconsistent or contrary provision of the Convention of the Commonwealth Regional Health Community for East, Central and Southern African Health Community.
4. Without prejudice to Article 12 (6) of this Convention, member States accepting amendments to the Convention of the Commonwealth Regional Health Community for East, Central and Southern Africa approved by the conference, shall be deemed to have ratified this Convention.
5. Upon the adoption of the amendments to the Convention of the Commonwealth Regional Health Community for East, Central and Southern Africa, all necessary measures shall be undertaken to implement the provisions of this Convention and to ensure the

establishment of the organs provided for under this Convention in accordance with any directive or decisions, which may be adopted in this regard by the member States within the transition period.

6. Notwithstanding sub Article 5, any obligations or arrangements of the Commonwealth Regional Health Community for East, Central and Southern Africa which exist immediately before the adoption of the amendments, shall continue to subsist, operate and bind member States as if they were established or undertaken under this Convention.

DONE at ENTERBE on this 22nd day of November, 2002

in English by duly authorized representatives of the member States for the:

1. Republic of Botswana .....
2. Republic of Kenya .....
3. Kingdom of Lesotho .....
4. Republic of Malawi 
5. Republic of Mauritius 
6. Republic of Mozambique .....
7. Republic of Namibia .....
8. Republic of Seychelles .....
9. Republic of South Africa .....
10. Kingdom of Swaziland .....
11. United Republic of Tanzania 
12. Republic of Uganda 
13. Republic of Zambia .....
14. Republic of Zimbabwe 



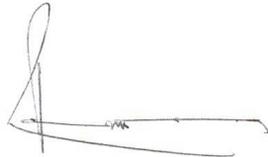
**INSTRUMENT OF RATIFICATION**

**CONVENTION OF THE EAST,  
CENTRAL AND SOUTHERN AFRICA  
HEALTH COMMUNITY**

**NOW THEREFORE, I Hon. Raphael Tuju, EGH, MP,** Minister for Foreign Affairs of the Republic of Kenya, declare that the Government of the Republic of Kenya, having considered the above mentioned Convention, ratifies the same and undertakes to faithfully perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF,** this Instrument of Ratification is hereby given under my name and the official seal of the Ministry of Foreign Affairs of the Republic of Kenya.

**DONE** at **NAIROBI** this 20<sup>th</sup> day of September  
Two Thousand and Seven.



**HON. RAPHAEL TUJU, EGH, MP**  
**MINISTER FOR FOREIGN AFFAIRS OF**  
**THE REPUBLIC OF KENYA**



**INSTRUMENT OF RATIFICATION  
BY THE REPUBLIC OF SEYCHELLES OF THE EAST, CENTRAL  
AND SOUTHERN AFRICAN HEALTH COMMUNITY**

I, *JAMES ALIX MICHEL*, PRESIDENT OF THE REPUBLIC OF SEYCHELLES, hereby declare that:

*THE REPUBLIC OF SEYCHELLES*, by virtue of this present document, ratifies without reservations the East, Central and Southern African Health Community.

*IN WITNESS WHEREOF*, I have signed this Instrument of Ratification and have affixed herewith the seal of the Republic of Seychelles.

**DONE AT VICTORIA, MAHÉ, SEYCHELLES.**

this ..... *19<sup>th</sup>* ..... day of *July* ..... 2005.



.....  
**JAMES ALIX, MICHEL**  
**PRESIDENT OF THE REPUBLIC OF SEYCHELLES**