

**Science and Technology in East Africa**  
**Constitutional system: preliminary thoughts**  
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**1. Constitution of Kenya, 2010**

In this summary, we have tried to cite the provisions of the Constitution of Kenya 2010 dealing with science and technology.

Art 11(2) of the Constitution mandates the state to promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. It also obliges the state to recognise the role of science and indigenous technologies in the development of the nation and promote the intellectual property rights of the people of Kenya.

Under Art 11(3), Parliament is required to enact legislation which recognises and protects the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.

Article 69(1)(c) also obliges the state to protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities. The Article, at (e) further mandates the state to protect genetic resources and biological diversity of the people of Kenya.

**2. Uganda**

Under the Ugandan Constitution 1996 (as amended), the National Objectives and Directive Principles of State Policy empowers the State to:

- a) give highest priority to the making of laws for the protection and strengthening of the right to equal opportunities and development; and,
- b) encourage agriculture, industrial technology and scientific development and regulate acquisition, use and disposition of land and other property, in accordance with the Constitution.

**3. Rwanda**

The Constitution of Rwanda 2003, in its preamble declares that the people of Rwanda are determined to develop human resources, to fight ignorance, to promote technological advancement and the social welfare of the people of Rwanda.

#### **4. Tanzania**

The Constitution of the United Republic of Tanzania, 1997 does not have any substantive or preambular provision on science and technology. It is undergoing review.

#### **5. Burundi**

The Transitional Constitution of Burundi 2005 also does not provide for science and technology.

#### **6. East African Community Treaty**

Science and technology is provided for under the EAC Treaty. The objectives of the Community, under Art 5(1), include developing policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields as well as research and technology for their mutual benefit.

In addition, chapter 16 of the EAC Treaty provides for science and technology in the community. Article 103 (1) recognises the fundamental importance of science and technology in economic development and mandates the Partner States to promote cooperation in the development of science and technology within the Community.

First, the Partner states are to jointly establish and support scientific and technological research and institutions in the various disciplines of science and technology. Second, the states are to create a conducive environment for the promotion of science and technology within the Community. Third, the states are to encourage the use and development of indigenous science and technologies. Fourth, the states should mobilise technical and financial support from local and foreign sources and from international organisations or agencies for the development of science and technology in the Community.

Fifth, the states should exchange scientific information and personnel and promote the publication of research and scientific findings. Sixth, the states should also collaborate in the training of personnel in the various scientific and technological disciplines at all levels using

existing institutions and newly established ones. Seventh, they should promote, develop and apply information technology and other new ones throughout the Community. Eighth, they should also establish common ethical guidelines for research. Ninth, they should harmonize policies on commercialisation of technologies and promotion and protection of intellectual property rights.

Sub Article 2 mandates the Partner States to undertake such additional activities with regard to science and technology as the Council may determine.

There are other articles which touch on science and technology. Article 80 (1) (b) provides for strategy and priority areas. It mandates the Partner States to take measures to promote linkages among industries within the Community through diversification, specialisation and complementarity, in order to enhance the spread the effects of industrial growth and to facilitate the transfer of technology. Under sub Art (e), the states are obliged to promote industrial research, development and the transfer, acquisition, adaptation and development of modern technology, training, management and consultancy services through the establishment of joint industrial institutions and other infrastructural facilities.

Other articles touching on science and technology include Art. 100 on meteorological services where the states are mandated to exchange information and expertise concerning new developments in meteorological science and technology including the calibration and comparison of instruments. Art 106, on seed multiplication and distribution, also provides for the states to strengthen co-operation in quality seed development and production through research and plant breeding; support co-operation in the establishment of gene banks and enhance capacity in seed technology.

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