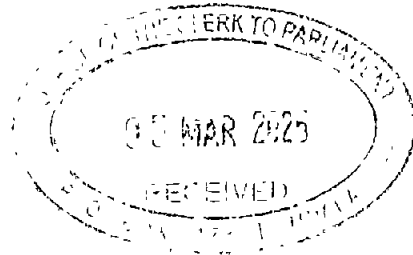


PARLIAMENT OF UGANDA



**REPORT OF THE COMMITTEE ON EAST AFRICAN COMMUNITY AFFAIRS
ON THE EAST AFRICAN COMMUNITY MEDIATION AGREEMENT BILL,
2024**

OFFICE OF THE CLERK TO PARLIAMENT

PARLIAMENT BUILDING

KAMPALA-UGANDA

FEBRUARY, 2025

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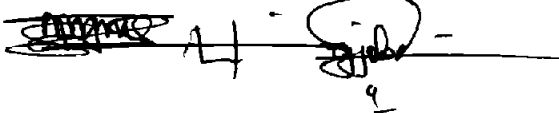

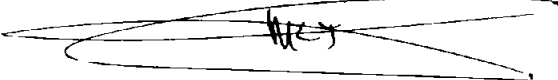
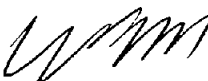


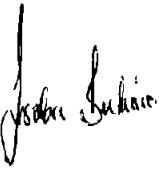

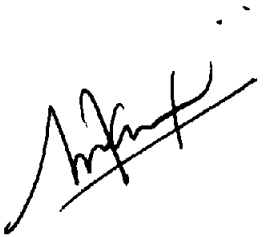

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1

1.0 INTRODUCTION

The East African Community Mediation Agreement Bill, 2024 was read for the first time on 16th October 2024 by the First Deputy Prime Minister and Minister of East African Community Affairs (EAC). The Bill was referred to the Committee on EAC Affairs in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

2.0 BACKGROUND

The East Africa Community Mediation Agreement Bill, 2024 is a presentation of the East African Community Mediation Agreement (EACMA) which was signed on 14th May 1984 on behalf of Tanzania, Kenya and Uganda. The East African Community Mediation Agreement is a treaty within the meaning of the Vienna Convention on the Law of Treaties 1969, to which Uganda is a signatory. The Bill is before Parliament for domestication in accordance with Article 123 of the 1995 Constitution.

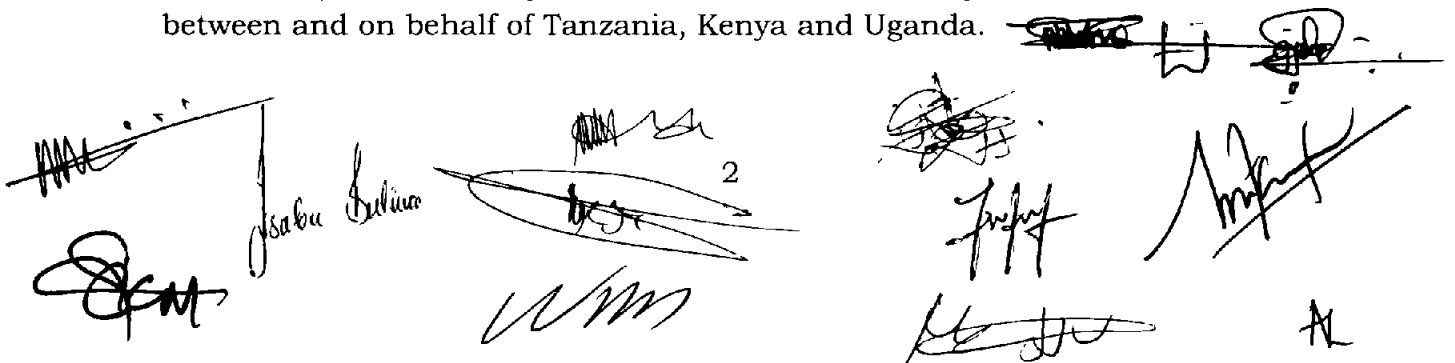
In the past, Kenya, Tanzania and Uganda have enjoyed a long history of co-operation under successive regional integration arrangements. These arrangements have included: the Customs Union between Kenya and Uganda in 1917, which the then Tanganyika later joined in 1927; the East African High Commission (1948-1961); the East African Common Services Organisation (1961-1967); the East African Community (1967-1977) and the East African Co-operation (1993-2000).

Following the dissolution of the former East African Community in 1977, the Member States negotiated a Mediation Agreement for the apportionment and distribution of Assets and Liabilities, which they signed in 1984. Under Article 14.02 of the Mediation Agreement, the three Member States (Kenya, Tanzania and Uganda) agreed to explore areas of future co-operation and to make concrete arrangements for such co-operation. These efforts culminated into the re-incarnation of the current East African Community.

It should be noted too, that a bill of a similar nature, though not enacted into law, was presented to Parliament in 1990 by the then Attorney General and Minister of Justice of Uganda Hon. Dr. G. W. Kanyeihamba and referred to the Parliamentary Committee on Foreign Affairs.

3.0 THE OBJECT OF THE BILL

The object of the Bill is to give legal effect to the provisions of the East African Community Mediation Agreement, 1984, which was signed on 14th May 1984 between and on behalf of Tanzania, Kenya and Uganda.



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4.0 METHODOLOGY

a) Meetings

The Committee met with and received written memoranda from the following:

1. Attorney General
2. Ministry of East African Community Affairs
3. Ministry of Public Service
4. Hon. Samuel Opio Acuti, MP Kileleshwa North Constituency
5. Ex EAC Workers Committee, Uganda.

b) Document Reviews

The Committee referred to the following documents:

1. The Constitution of the Republic of Uganda
2. The Ratification of Treaties Act, Cap. 190
3. The East African Community Mediation Agreement 1984.

5.0 RATIONALE FOR THE LEGAL FRAMEWORK FOR THE EAST AFRICAN COMMUNITY MEDIATION AGREEMENT BILL, 2024

a) Compliance with Constitutional obligations

In accordance with Article 123 (1) of 1995 Constitution, the President or a person authorised by the President may make treaties, conventions, agreements or other arrangements between Uganda and any other country or between Uganda and any international organisation or body, in respect of any matter. Parliament is given power in Article 123 (2) to make laws to govern ratification of treaties, conventions, agreements or other arrangements made under clause (1) of this article.

The Ratification of Treaties Act (RTA), Cap 190 operationalises Article 123(1) of the Constitution. The Act provides for the procedure for ratification of treaties such as the East African Mediation Agreement, 1984.

Section 2 of the RTA Cap 190 empowers Cabinet to ratify treaties. Once ratified by Cabinet, the same law dictates that all treaties ratified by Cabinet be laid before Parliament as soon as possible.

The Act empowers Parliament to ratify treaties that relate to armistice, neutrality or peace, and in case of treaties in respect of which the Attorney General has certified in writing that its implementation in Uganda would require a Constitutional Amendment.

In exercise of its Constitutional mandate, the Parliament is expected to go through the law-making process as provided for in its Rules of Procedure and

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enact the same into law. This should further support the efforts of the Ministry of East African Community Affairs in executing its mandate under the agreement and especially resolve the issues pertaining to the payment of the benefits accruing to the former staff of the defunct East African Community.

6.0 OBSERVATIONS AND RECOMMENDATIONS

i. Provisions of the Bill

The Committee notes that the bill seeks to give effect to certain provisions of the East African Community Mediation Agreement 1984. In this regard, Clause 3 of the Bill provides that Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 of the East African Community Mediation Agreement 1984 which Agreement is set out in Schedule 1 to the Act shall have the force of law in Uganda and excludes Article 1 on Interpretation, Article 2 on Assets and Liabilities, Article 13 on the law governing the Agreement, Article 16 on entry into force, Article 17 on Citation and Article 18 which provides for the scope of the Agreement.

The Attorney General informed the Committee that the drafting of the East African Community Mediation Agreement Bill, 2024 was largely based on the East African Community Mediation Agreement, Bill 1990 which had also proposed to only give force of law to specific articles of Agreement. However, on further scrutiny he proposed that the entire East African Mediation Agreement 1984 be domesticated and given force of law.

Hon. Samuel Opio Acuti also submitted that the entire Agreement should be domesticated because the Articles that had been excluded formed integral parts of the agreement which are key in the interpretation of the Agreement.

The Committee observes that;

- **all the Articles are significant for the effective implementation of the Agreement**

The Committee recommends that;

- **the proposed Clause 3 is amended to ensure that the EAC Mediation Agreement has the full force of law in its entirety.**

ii. Ensuring that employees of the former East African Community are paid in accordance with the agreement.

Prior to its collapse, the defunct East African Community operated its own pension scheme under the East African Community Pension Act Cap. 11 and

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upon its dissolution, the EAC failed to pay its former employees their retirements benefits, which liability their respective Governments took on.

In the case of Uganda, Government issued the Pension (Amendment) Decree of 1978 which recognized the former employees as a category of pensionable persons payable by the Government of Uganda. The Decree defined in section 2(g), pensionable office as one to which a Ugandan National was appointed on the grant of a pension under the Pension Act of the defunct Community.

The EAC Mediation Agreement which was signed much later in 1984, reiterated under Article 10.5 that individual partner states shall pay their nationals who had worked for the defunct EAC and retired from active service and those that were still in service at the division date of the Community.

The Committee observed that;

- **the former employees of the defunct EAC, from Uganda are currently being paid their pension and retirement benefits under the Pension Act of Uganda. However, this has a different commutation formula from that proposed in the EAC Mediation Agreement and results into different payments.**
- **other former employees of the defunct EAC, from Kenya and Tanzania were paid in accordance with the EAC Mediation Agreement.**

The Committee recommends that;

- **Government harmonizes the commutation of pension and retirement benefits in accordance with the Mediation Agreement.**
- **Government prioritizes the full payment of the pension and retirement benefits of the former employees who have not been paid Government.**

iii. Proposal to introduce a new clause on Interest on Liabilities

The Committee received a proposal from Hon. Samuel Opio Acuti to introduce a new clause in the Bill on interest on liabilities to provide that *"Government shall pay an interest of 7% on any outstanding liabilities from the division date."* Hon. Acuti submitted that the proposal was based on a letter from the Solicitor General in September 1993 in which he informed the Secretary to the Treasury that Uganda had adopted a 7% interest based on the advice of the East Africa Community mediator in a mediation report.

The Committee observed that;

- the interest on liabilities did not form part of the East African Community Mediation Agreement which had been signed by the partner states in 1984.

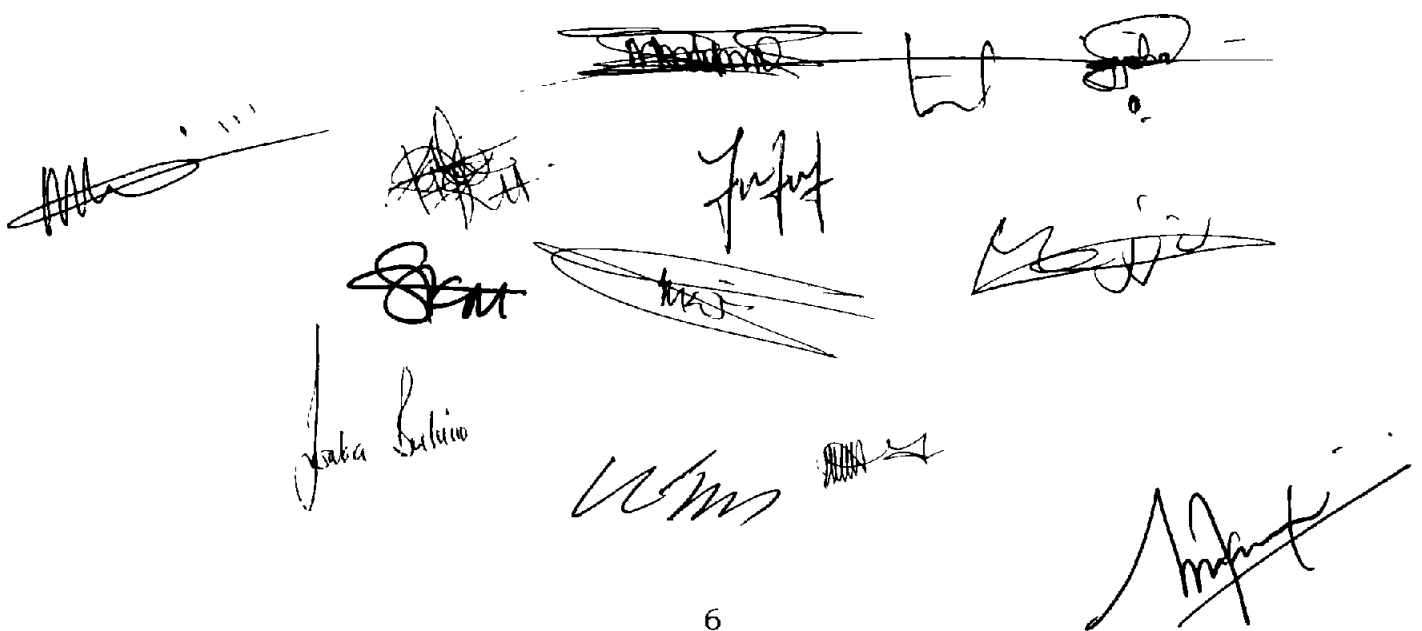
The Committee recommends that;

- the Ministry of EAC Affairs and the Ministry of Public Service should administratively explore the proposal to pay an interest on any outstanding liabilities after the commencement of the Bill.

7.0 CONCLUSION

The Committee recommends that the East African Community Mediation Agreement Bill be passed into law subject to the attached proposed amendment.

I beg to report



**PROPOSED AMENDMENT TO THE EAST AFRICAN COMMUNITY
MEDIATION AGREEMENT BILL, 2024**

**CLAUSE 3: CERTAIN PROVISIONS OF THE AGREEMENT TO HAVE THE
FORCE OF THE LAW**

Clause 3 is substituted for the following—

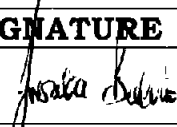

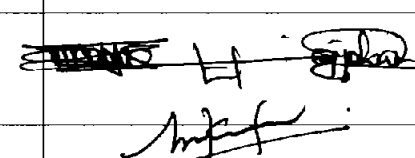
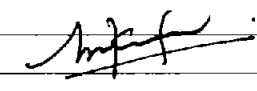
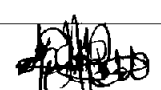
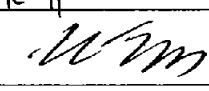

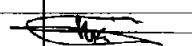

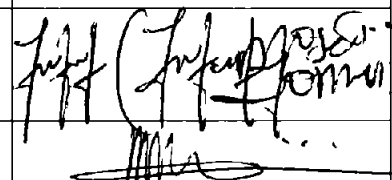
“3. Agreement to have force of law

The East African Community Mediation Agreement, 1984 set out in
Schedule 1 to this Act, shall have the force of law in Uganda.”

Justification

- To ensure that the entire East African Mediation Agreement, 1984 is domesticated and given the force of law by an Act of Parliament.

**ENDORSEMENT OF THE REPORT OF THE COMMITTEE ON
EAST AFRICAN COMMUNITY AFFAIRS ON THE EAST AFRICANA
COMMUNITY MEDIATION AGREEMENT BILL, 2024**

NO	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	HON. BUTURO NSABA (CHAIRPERSON)	BUFUMBIRA COUNTY EAST	NRM	
2	HON. MUSERURE SHARTSI NAYEBARE KUTESA (VICE CHAIRPERSON)	MAWOGOLA NORTH COUNTY	INDEP	
3	HON. AYOO JENNIFER NALUKWAGO	DWR-KALAKI	NRM	
4	HON. SSEJOBA ISAAC	BUKOTO COUNTY MID WEST	NRM	
5	HON. KYOBE LUKE INYENSIKO	LUUKA NORTH	NRM	
6	HON. WANYAMA MICHEAL ODWORI	NAMAYINGOI	NRM	
7	HON. WANDENDEYA DAVID	BUSHIGAI	NRM	
8	HON. MASIKA APOLLO	NAMISINDWA	NRM	
9	HON. KABAHENDA FLAVIA	DWR KYEGEGWA	NRM	
10	HON. KAHUNDE HELLEN	DWR KIRYANDONGO	NRM	
11	HON. BYAMUKAMA NULU JOSEPH	KITAGWENDA COUNTY	NRM	
12	HON. RWABURINDORE TARSIS BISHANGA	IBANDA MUNICIPALITY	NRM	
13	HON. KABUURA DERRICK	BUSHENYI- ISHAKA	NRM	
14	HON. NAMUJU Cissy DONOZIO	DWR-LWENGO	NRM	
15	HON. ONZIMA GODFREY	ARINGA NORTH	NRM	
16	HON. NSUBUGA PAUL	BUSIRO NORTH	NUP	
17	HON. EKUDO TOM JULIUS	GWERI	FDC	
18	HON. AKELLO LUCY	DWR AMURU	FDC	
19	HON. NAKATO MARY ANNET	DWR BUYENDE	IND	
20	HON. MUKASA ALOYSIUS TALTON	RUBAGA SOUTH	NUP	
21	HON. WALYOMU MUWANIKI MOSES	KAGOMA COUNTY	IND	
22	HON. NYANGWESO DENNIS	SAMIA BUGWE CENTRAL	IND	
23	HON. BRIG. GEN. CHARITY BAINABABO	UPDF		
24	HON. WERE GODFREY ODERO	SAMIA BUGWE SOUTH	IND	