

UGANDA WITHIN THE EAST AFRICAN COMMUNITY.

a) What is the East African Community?

The East African Community (EAC) is a regional intergovernmental organisation of six (6) Partner States, comprising Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda, with its headquarters in Arusha, Tanzania.¹

b) EAC Integration- A Brief History.

Formal economic and social integration in the East African region commenced with, among other things, the construction of the Kenya Uganda Railway 1897 – 1901, the establishment of the Customs Collection Centre 1900, the East African Currency Board 1905, the Postal union 1905, the Court of Appeal for Eastern Africa 1909, the Customs Union 1919, the East African Governors Conference 1926, the East African Income Tax Board 1940 and the Joint Economic Council 1940;

Provision was made by the East Africa (High Commission) Orders in Council 1947 – 1961, the East African Common Services Organisation Agreements 1961 – 1966, and the Treaty for East African Co-operation 1967 for the establishment respectively; of the East Africa High Commission, the East African Common Services Organisation and the East African Community as successive joint organizations of the said Countries to control and administer certain matters of common interest and to regulate the commercial and industrial relations and transactions between the said countries and by means of a central legislature to enact on behalf of the said countries laws relevant to the purposes of the said joint organizations;

In 1977 the Treaty for East African Co-operation establishing the East African Community was officially dissolved, citing among other reasons, the lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits of the community among the Partner States due to their differences in their levels of development and lack of adequate policies to address this situation.

Following the 1994 Protocol on the establishment of a Secretariat of the Permanent Tripartite Commission for Co-operation between Uganda, Kenya Tanzania, the Treaty establishing the East African Community was signed on 30th November 1999 and entered into force on 7th July 2000 by the Partner States of the Republic of Uganda, The Republic of Kenya; and the United Republic of Tanzania, marking an achievement of the trio's cooperation since the collapse of the original EAC in 1977.

The Republic of Burundi and the Republic of Rwanda acceded to the Treaty on 18th June 2007 and became full members on 1st July 2007 while Republic of South Sudan joined

¹ East Africa Community website available at <https://www.eac.int/>

on 16th April 2016 and became a full member on the 5th September 2016 thus expanding the number of the Community Partner States to six.

c) THE CURRENT STRUCTURE OF THE EAC.

The EAC is structured into seven main Organs as listed below:

1) The Summit

The Summit comprises Heads of Government of Partner States. It gives strategic direction towards the realisation of the goal and objectives of the Community.

2) The Council of Ministers

The Council of Ministers (or simply, the Council) is the central decision-making and governing Organ of the EAC. Its membership constitutes Ministers or Cabinet Secretaries from the Partner States whose dockets are responsible for regional co-operation.

Every year, the Council meets twice, one meeting of which is held immediately preceding a meeting of the Summit. The Council meetings assist in maintaining a link between the political decisions taken at the Summits and the day-to-day functioning of the Community. Regulations, directives and decisions taken or given by the Council are binding to the Partner States and to all other Organs and Institutions of the Community other than the Summit, the Court and the Assembly.

3) The Co-ordinating Committee

Under the Council, the Coordinating Committee has the primary responsibility for regional co-operation and co-ordinates the activities of the Sectoral Committees. It also recommends to the Council about the establishment, composition and functions of such Sectoral Committees. It draws its membership from Permanent / Principal Secretaries responsible for regional co-operation from the Partner States.

Subject to any directions given by the Council, the Coordinating Committee meets twice a year preceding the meetings of the Council. Moreover, it may hold extraordinary meetings at the request of the Chairperson of the Coordinating Committee

4) Sectoral Committees

Sectoral Committees conceptualise programmes and monitor their implementation. The Council establishes such Sectoral Committees on recommendation of the Coordinating Committee.

The Sectoral Committees meet as often as necessary for the proper discharge of their functions.

5) The East African Court of Justice²

The East African Court of Justice (or simply, the Court) is the principal judicial Organ of the Community and ensures adherence to the law in the interpretation and application of compliance with the EAC Treaty. It was established under Article 9 of the Treaty for the Establishment of the East African Community.

Arusha, Tanzania is the temporary seat of the Court until the Summit determines its permanent seat. The Court established its Sub-registries in the Partner States, which are located in the premises of the National Courts.

The Court has two divisions: An Appellate division and a First Instance division.

The Judges of the Court are appointed by the EAC Summit of the Heads of State or Government from among persons of proven integrity, impartiality and independence holding high judicial office, or jurists of recognised competence, upon the recommendation of the Partner States.

6) The East African Legislative Assembly³

The East African Legislative Assembly (EALA) is the Legislative Organ of the Community and has a cardinal function to further EAC objectives, through its Legislative, Representative and Oversight mandate. It was established under Article 9 of the Treaty for the Establishment of the East African Community.

The Assembly has a membership of 54 elected Members (nine from each Partner State), and 7 ex-officio Members consisting of the Minister or Cabinet Secretary responsible for EAC Affairs from each Partner State, the Secretary-General and the Counsel to the Community totalling 62 Members.

The Assembly draws the authority to establish its Standing Committees from its Rules of Procedure. It currently has 6 Standing Committees to execute its mandate:

- The Accounts Committee;
- The Committee on Legal, Rules, and Privileges;
- The Committee on Agriculture, Tourism and Natural Resources;
- The Committee on Regional Affairs and Conflict Resolution;
- The Committee on Communication, Trade and Investment, and
- The Committee on General Purpose.

The EALA Commission which oversees the management of the Assembly is established following the enactment of the Administration of the EALA Act 2012.

7) The Secretariat

² <https://www.eacj.org/>

³ <https://www.eala.org/>

The Secretariat is the executive Organ of the Community. As the guardian of the Treaty, it ensures that regulations and directives adopted by the Council are properly implemented.

In service of the Community, the Secretariat comprises the Secretary-General, 4 Deputy Secretaries-General, the Counsel to the Community and hundreds of EAC staff members who carry out the day-to-day work of the EAC as mandated by the Council.

The Secretary-General is the principal executive and accounting officer of the Community, the head of the Secretariat and the Secretary of the Summit; he/she is appointed by the Summit for a fixed five-year, non-renewable term.

The Deputy Secretaries-General are appointed by the Summit on recommendations of the Council and on a rotational basis. They deputise the Secretary-General and each serves a three-year term, renewable once.

The Counsel to the Community is the principal legal adviser to the Community.

References

Makame, A. (2012) 'The East African integration: Achievement and challenges. *GREAT Insights* 1(6),

East Africa Community website available at <https://www.eac.int/>

East African Court of Justice website available at <https://www.eacj.org/>

East African Legislative Assembly website available at <https://www.eala.org/>