



**EAST AFRICAN COMMUNITY**

**4<sup>TH</sup> MEETING OF THE 5<sup>TH</sup> SESSION OF THE  
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**2<sup>ND</sup> READING OF THE EAST AFRICAN COMMUNITY  
CONFLICT MANAGEMENT BILL, 2011**

**Mr. Speaker Sir,**

I thank you for this opportunity to contribute to this important Bill. I consider the Bill to be important because:-

- (a) Conflict management is an offshoot of the commitment of the EAC Partner States to co-operate in the maintenance of regional peace and security; and
- (b) Our East African and Horn of Africa regions falls within a conflict-ridden region.

I therefore thanked Hon. Dr. Odette Nyiramilimo for introducing this Bill. I also thank the regional Affairs and Conflict Resolution Committee for having studied this Bill in depth as has been revealed by the Report of that Committee.

**Mr. Speaker Sir,**

Let me also state that the Council of Ministers appreciates the stated object of this Bill. The Council notes the following key features of the Bill:-

- (a) identification of potential sources of conflict and devising response options;
- (b) provision of pre-emptive measures to address conflict situations;
- (c) development of capacity for mediation and negotiation to forestall and diffuse conflicts;
- (d) proposing of modalities for intervention and stabilization of conflict situation;
- (e) operationalisation of a conflict early warning and response mechanism for the Community;
- (f) facilitation and support of negotiation and mediation capacity for the Community;
- (g) provision of appropriate mechanism for conflict management;
- (h) enhancement of the planning capabilities of the Community in relation to regional tensions;
- (i) development of capacities at the Secretariat and in the Partner States to anticipate and mitigate conflicts; and
- (j) Sensitization and popularization of the East African Community conflict prevention, management and resolution mechanism.

The Council of Ministers' appreciation of these features of the Bill stems from a realization that the Bill should go along way in actualizing Article 124 of the Treaty. Article 24 provides, in part, that-

*"1. The Partner States agree that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objective of the Community. In this regard, the Partners States agree to foster and maintain an atmosphere that is conducive to peace and security of the Partner States*

*with a view to better management and resolution of disputes and conflicts between them.*

*2. The Partner States undertake to promote and maintain good neighborliness as a basis for promoting peace and security within the Community.*

*3. The Partner State shall evolve and establish regional disaster management mechanisms which shall harmonize training operations, technical co-operation and support in this area.*

*4. The Partner States undertake to establish common mechanisms for the management of refugees.*

*5. The Partner States agree to enhance co-operation in the handling of cross border crime, provisions of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities. To this end the Partner States undertake to adopt measures for maintaining and promoting security in their territories".*

**Mr. Speaker Sir,**

Notwithstanding its good objects, the Bill raises a few policy matters which require further consideration. For example:-

- (a) on institutional matters, the Bill proposes the creation of an East African Community Office of Eminent Personalities (Clauses 4,9); of this Office (Clause 6); a Directorate, with departments, for purposes of day to day operations (Clauses 10);
- (b) on strategic matters, the Bill provides for the deployment of an East African Community Force (Clause 20) at a time when the East African Community lacks a clear and common command structure;
- (c) on financial matters the Bill proposes the establishment of a special fund to facilitate the implementation of the Conflict Management Act once enacted (Clause 14); and
- (d) in its Clause 17(2), the Bill includes non-compliance with the Act as a ground for suspension of a Partner State; the inclusion of this Clause is tantamount to amendment of the Treaty in a manner outside Article 150 of the Treaty.

**Mr. Speaker Sir,**

The matters which I have outlined above are critical in the operationalisation of a statutorily backed regional conflict management regime. From a policy point of view

these are matters that call for close consideration and consultations by the Council of Ministers. There is need for example to determine the status of the proposed Office and the Directorate within the EAC institutional structure. The reporting arrangements between the proposed Office and that of the Secretary General is not clear, may cause conflict and calls for further and deeper analysis.

You will recall that his Bill was introduced during this august House's 3<sup>rd</sup> meeting which was held in January/February 2012 in Kampala. Between that time and the time of the 4<sup>th</sup> Meeting was convened the Council has not had time to consider this Bill and especially its policy-related matters. Accordingly the Council, while appreciating the object of the Bill, finds itself in a difficult position as far as progression of the motion and the Bill is concerned. I therefore move under Rule 31 (1) of the Rules of Procedure of this august House that debate on this Motion be adjourned until the next convenient Meeting of this House.

**Mr. Speaker Sir,**

I saw move