

No. 6299

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
(ON BEHALF OF KENYA AND UGANDA)
and
TANGANYIKA**

Agreement for the establishment of the East African Common Services Organization (with annexed Constitution of the said Organization). Signed at Dar es Salaam, on 9 December 1961

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 6 September 1962.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
(AU NOM DU KENYA ET DE L'UGANDA)
et
TANGANYIKA**

Accord portant création de l'Organisation des services communs est-africains (avec, en annexe, le Statut de ladite Organisation). Signé à Dar es-Salam, le 9 décembre 1961

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 6 septembre 1962.

No. 6299. AGREEMENT¹ BETWEEN THE GOVERNMENT OF TANGANYIKA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (ON BEHALF OF THE GOVERNMENT OF KENYA AND THE GOVERNMENT OF UGANDA) FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMON SERVICES ORGANIZATION. SIGNED AT DAR ES SALAAM, ON 9 DECEMBER 1961

WHEREAS provision is made by the East Africa (High Commission) Orders in Council, 1947 to 1961, for the control and administration of certain matters and services of common interest to the inhabitants of Tanganyika, Kenya and Uganda and for that purpose an East Africa High Commission and an East Africa Central Legislative Assembly are thereby established :

AND WHEREAS at discussions held in London in June, 1961, attended by delegations representing Her Majesty's Government in the United Kingdom, the East Africa High Commission, Tanganyika, Kenya and Uganda the arrangements contained in the said Orders in Council were reviewed in the light of constitutional changes that are proposed in respect of Tanganyika :

AND WHEREAS at the said discussions the delegations representing Tanganyika, Kenya and Uganda affirmed their desire that common services should continue to be provided for those territories by a single organization, notwithstanding the constitutional changes proposed in respect of Tanganyika or other constitutional changes that may occur in those territories :

AND WHEREAS it was accordingly agreed to recommend that, in place of the arrangements contained in the said Orders in Council, there should be an organization, to be known as the East African Common Services Organization, which should be established by an agreement entered into by the Governments of Tanganyika, Kenya and Uganda :

AND WHEREAS Her Majesty's Government in the United Kingdom has entrusted the Governments of Kenya and Uganda with authority to enter into the agreement hereinafter contained :

Now it is hereby agreed as follows :

¹ Came into force on 11 December 1961, in accordance with the provisions of article 2.

Article 1

The contracting Governments agree upon the establishment of the East African Common Services Organization, in accordance with the Constitution¹ annexed to this agreement, and the East African Common Services Organization is accordingly hereby established with effect from the coming into force of this agreement.

Article 2

When this agreement has been signed on behalf of the Government of Kenya or the Government of Uganda, that Government shall notify the Government of Tanganyika accordingly. When this agreement has been signed on behalf of all the contracting Governments the Government of Tanganyika shall cause notice to be published in the official Gazette of Tanganyika that this agreement has been so executed and the agreement shall come into force on the day following the day upon which that notice is published.

Article 3

1. This agreement shall have indefinite duration.
2. Each of the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda) shall have the right to terminate this agreement at any time by giving not less than one year's notice to the other Governments having the same right under this article.
3. If notice is given terminating this agreement in accordance with the preceding paragraph, the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda) shall consult together with a view to agreeing upon the continuation of the Organization, as respects the Governments not desiring termination of this agreement, or upon the arrangements for its winding up.

Article 4

Modifications of this agreement may be made with the consent of each of the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda).

Article 5

Each of the contracting Governments undertakes (as regards its Territory) to take all steps that are within its power to secure the enactment and the con-

¹ See p. 54 of this volume.

tinuation of such legislation as is necessary and within the competence of the legislature of the Territory to give effect to this agreement and in particular

- (a) to confer upon the East African Common Services Authority such legal capacity as will enable it to perform its functions under the Constitution of the Organization;
- (b) to confer upon Acts of the Organization enacted in accordance with the Constitution of the Organization the force of law in the Territory.

Article 6

1. The contracting Governments undertake to make such financial contributions to the Organization as will enable it effectively to discharge its functions and to meet its financial obligations.

2. In particular the contracting Governments undertake that

(a) if the financial resources of the Organization in any financial year are insufficient to meet the expenditure of the Organization in that year, the contracting Governments

- (i) will authorize the Organization to increase the amounts payable to the Distributable Pool Fund in accordance with the provisions of any Agreement made in pursuance of paragraphe 3 of Article 37 of the Constitution of the Organization by such amount as will ensure that the revenues of the Organization are sufficient to enable the Organization to meet the expenditure approved by the Assembly for that financial year; or
- (ii) will pay to the Organization such amount, contributed in such shares as may be agreed between the contracting Governments, as is sufficient to enable the Organization to meet the expenditure approved by the Assembly for that financial year; and

(b) in so far as the assets of the Authority are insufficient to meet the liabilities of the Authority in respect of the public debt of the Authority, the contracting Governments will pay to the Authority such amount as will be sufficient to discharge the obligations of the Authority in respect of that public debt, which shall be contributed by the contracting Governments in equal shares.

3. For the purposes of this Article the public debt of the Authority includes the amount outstanding on all loans raised by the High Commission or any authority of the High Commission.

Article 7

The contracting Governments undertake that powers and duties will not be conferred or imposed upon an officer or authority of the Organization, as

such, by or under enactments of the legislatures of the Territories except with the consent of the Authority.

Article 8

1. References in this agreement to the contracting Governments are references to the respective Governments of Tanganyika, Kenya and Uganda.

2. The provisions of Article 48 of the Constitution of the Organisation shall apply for interpreting this agreement as they apply for interpreting that Constitution.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Agreement.

DONE at Dar es Salaam this 9th day of December, 1961.

For the Government of Tanganyika :

Julius K. NYERERE
Prime Minister

For the Government of Kenya :

Patrick RENISON
Governor

Ronald G. NGALA
Leader of the House

For the Government of Uganda :

W. F. COUTTS
Governor

K. B. M. KIWANUKA
Chief Minister of Uganda

THE CONSTITUTION OF THE EAST AFRICAN COMMON SERVICES ORGANIZATION

PART I

FUNCTIONS OF THE ORGANIZATION

Article 1

FUNCTIONS OF THE ORGANIZATION ON BEHALF OF THE GOVERNMENTS OF THE TERRITORIES

1. The Organization shall perform the following functions on behalf of the Governments of the Territories—