

# RATIFICATION PROCESS IN UGANDA

Ministry of Foreign Affairs

# Presentation Outline

- Definition
- Procedure
- Process of ratification
- Summary overview of the process/ Tabulated detail of the process
- Stakeholders

# Definition

- Ratification", "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty.
- **Article 123(2)** of the 1995 Constitution, Parliament shall make laws to govern ratification of treaties, conventions, agreements or other arrangements made under clause (1) of this article.
- Parliament passed the Ratification of Treaties Act Cap 204 (Laws of Uganda) in 1998 (hereinafter referred to as "RTA")
- Ratification of Treaties Act (RTA), Cap 204 defines a treaty to include a convention, agreement or other arrangement made under article 123(1) of the Constitution.

# Procedure

Section 2 of the RTA provides that all treaties shall be ratified as follows:

(a) by the Cabinet in the case of any treaty other than a treaty referred to in paragraph (b) of this section; or

(b) by Parliament by resolution:

- ✓ where the treaty relates to armistice, neutrality or peace;
- ✓ In the case of a treaty in respect of which the Attorney General has certified in writing that its implementation in Uganda would require an amendment of the Constitution.

# PROCESS OF RATIFICATION

## **Cabinet Ratification:**

- Inter-ministerial consultations.
- The inter-ministerial committee meets to evaluate the benefits and obligations that would arise from Uganda's membership of the treaty and may recommend its ratification.
- On receipt of the recommendations of the Inter-Ministerial Committee, the responsible Cabinet Minister prepares a Cabinet Memo and presents it in cabinet seeking authorization to ratify the treaty.
- Attach clearance from the Attorney General.
- Attach a certificate of financial implication from the Ministry of Finance, Planning and Economic Development
- Attach evidence of stakeholder consultation

# Continued

- After consideration of the cabinet memorandum Cabinet may instruct the Minister of Foreign Affairs to ratify / accede to the treaty on behalf of the Republic of Uganda.
- Cabinet instructs through a cabinet minute.
- Upon receipt of the instruction (Extract of the Cabinet Minute) from Cabinet, the Minister of Foreign Affairs proceeds to draft, sign and deposit the Instrument of ratification/accession / acceptance with the designated Depositary thereof.

# Ratification by Parliament

- Inter-ministerial consultations.
- The inter-ministerial committee meets to evaluate the benefits and obligations that would arise from Uganda's membership of the treaty and may recommend its ratification.
- On receipt of the recommendation of the Inter-Ministerial Committee, the responsible Cabinet Minister tables a motion and presents it on the floor of Parliament seeking authorization to ratify the treaty.
- Attach clearance from the Attorney General/ Ministry of Justice and Constitutional Affairs
- Attach a certificate of financial implication.
- Attach evidence of stakeholder consultation.
- Parliament considers the motion and may even recommend it to the sector committee for further studying.

# Continued

- After consideration of the motion, Parliament may instruct the Minister of Foreign Affairs to ratify/ accede to the said treaty on behalf of the Republic of Uganda.
- Cabinet instructs through a cabinet minute.
- Parliament instructs by a resolution of parliament.
- Upon receipt of the instruction (Resolution) from Parliament, the Minister of Foreign Affairs proceeds to draft, sign and deposit or exchange the instrument of ratification/ accession with the designated Depositary thereof.



# Tabulated detail of the process

No.	ACTIVITY	RESPONSIBLE MDA
1.	The Line Ministry reads and internalizes the contents of the treaty.	Line Ministry
2	The Line Ministry then constitutes an inter-ministerial committee to discuss the Treaty.	Line Ministry
3	The inter-ministerial committee meets to evaluate the benefits and obligations that would arise from Uganda's membership of the treaty.	Line Ministry, Ministry of Justice, Ministry of Finance, Ministry of Foreign Affairs and other relevant MDAs

4	The line Ministry then leads the inter-ministerial committee to conduct stakeholder consultations to ascertain their comments on the benefits of the Treaty in question.	Inter-Ministerial Committee
5	The inter-ministerial committee compiles recommendations for ratification of the Treaty.	Inter-ministerial committee
6	The line Ministry secures two important clearances. Clearance from the Attorney General to ratify the Treaty and a certificate of Financial implication from Ministry of Finance, Planning and Economic Development	Line Ministry, Ministry of Justice and Constitutional Affairs and Ministry of Finance, Planning and Economic Development

7	<p>On receipt of the recommendations from the inter-ministerial committee, the responsible Cabinet Minister drafts a Cabinet Memo to be presented to Cabinet seeking for authorization to ratify the treaty. Attach clearance letter from the Attorney General and Certificate of Financial implication as well as evidence of stakeholder consultations.</p>	Line Ministry , Cabinet Secretariat
8	<p>After consideration of the cabinet memorandum , Cabinet may instruct the Minister of Foreign Affairs through a Cabinet Minute to ratify the said treaty on behalf of the Republic of Uganda</p>	Cabinet Secretariat
9	<p>Upon receipt of the instruction (Extract of the Cabinet Minute ) from Cabinet , the Minister of Foreign Affairs proceeds to draft , sign and deposit the relevant instrument as the case may be with the depositary thereof.</p>	Ministry of Foreign Affairs

# Stakeholders

- Line Ministry
- Ministry of Foreign Affairs
- Ministry of Justice & Constitutional Affairs
- Ministry of Finance, Planning & Economic Development
- Uganda Law Reform Commission
- Cabinet Secretariat
- Parliament

# Conclusion

- In the case of Uganda it is the Minister of Foreign Affairs that acts as the national depository. Section 5 of RTA Cap 204
- All treaties ratified by the Cabinet should be laid before Parliament as soon as possible . Section 4 of the RTA Cap 204

# Sources

- The Vienna Convention on the Law of Treaties
- The Constitution of the Republic of Uganda 1995.
- The Ratification of Treaties Act, Chapter 204, Laws of Uganda.
- United Nations Treaty Collection Website.

- Thank You